

STATUS OFFENDERS IN MANITOBA
HIDDEN SYSTEMS OF SOCIAL CONTROL

by

E. Jane Lothian

A thesis
presented to the University of Manitoba
in partial fulfillment of the
requirements for the degree of
Master of Arts
in
Sociology

Winnipeg, Manitoba

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A thesis submitted to the Faculty of Graduate Studies of
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Special thanks to Sebastian Sawh, Bruno Theoret and the staff at the Manitoba Provincial Archives for their willing assistance.

Finally, I would like to gratefully acknowledge the contributions of three very special individuals, my husband Craig, my father Robert, and my research assistant and son Jonathon. For your patience, encouragement and support, I thank you. To each of you I dedicate this thesis.

ABSTRACT

The purpose of this study was to examine status offenders in the Province of Manitoba. Divestiture of status offenders occurred with the passage of the Young Offenders Act in 1984. However, there was little Canadian research on status offenders from which to assess the impact of this reform in juvenile law.

The research included a two part archival analysis of juvenile and family court dockets and individual court file data from 1940 to 1975. To supplement the information generated from the archival research, fourteen in-person interviews were conducted with professionals in child welfare, juvenile corrections, and adolescent mental health.

The findings of the archival analysis indicated that the population of status offenders changed dramatically between 1950 and 1975 in terms of the variables 'specific status offense', 'sex', and 'primary disposition.' The dispositions received by these youths remained consistent in terms of the 'non-punitive' nature of the judicial sanctions applied.

Findings from the in-person interviews indicated that the most significant reforms pertaining to the status offender population occurred in 1979 when status offenders were redefined as 'child welfare cases' and redistributed to the child welfare system. Similar to the status offender reform efforts in the United States, the processes of relabeling, system shifting and benign neglect were found to have occurred.

The conclusions of this study point to the importance of using an integrated approach in planning and evaluating changes in services for adolescents.

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CHAPTER ONE

THE RESEARCH PROBLEM

1.1 INTRODUCTION

Early in Canada's history, the behavior of juveniles was largely controlled by informal mechanisms such as the family, church, and community (Rothman,1971). By the last decades of the 19th century, social and economic changes had begun to challenge the traditional norms and values of Canadian society. Specifically, several of the consequences of industrialization and urbanization, such as expanding slum areas, street crime and disease, foreign immigration and the passage of anti-child labour legislation, made primary control groups increasingly ineffective (West,1984). As a result, a more formal system was designed for recalcitrant youth with the mandate of maintaining legal conformity and social welfare:

The problems that had once been the province of family and community became the occasion for the construction of institutions, asylums,prisons. Those who could be 'saved' would be; those who could not would be restrained. In any case, society would be protected from the effects of deviant behavior (Zatz,1982:16).

Although the solutions devised by the Canadian child-saving movement took on a number of forms, the underlying objectives remained virtually constant: remove offenders from the streets, provide for the

neglected and dependant, and re-socialize potential young offenders (Leon,1977). Following a lengthy process of legislative debate, these objectives were finally reflected in the Juvenile Delinquents Act enacted in 1908.

The Juvenile Delinquents Act has been described as the product of a social reform movement dedicated to 'saving' or 'rescuing' children from what were perceived to be the undesirable aspects of life in an industrialized, urbanized nineteenth century society (Leon,1977). The historical evidence indicates that the social reformers of this era defined the state of delinquency elastically and inconsistently, sometimes by acts, often by attitudes and finally by tendencies. Houston cites the following example:

In the opinion of most respectable (emphasis added) Canadians, children who disregarded the authority of family and society were headed for a life of crime (1982:132).

Distinctions between acts which served as an indication of poverty, idleness, and neglect and acts which could be classified as crimes or delinquencies were not finely drawn. The category of status offenses included in the J.D.A. reflects this lack of distinction and definition.

This legislation treated as delinquent not only those youths who had violated the criminal law, but also those who ran away from home, were incorrigible, truant,

violated curfew regulations, and committed similar acts prohibited only for the young. These infractions were defined as "status offenses" due to the fact that they applied only to those of juvenile age (Kobrin et al., 1980). In contrast to the adult system, the mandate of the juvenile courts included the care, control, and treatment of those young individuals who demonstrated a proclivity toward further deviance (Boisvert & Wells, 1980).

The rationale for the control of juvenile misbehavior, mixed the need for the protection of others from children with the need for the protection of children from themselves (Zatz, 1982; West 1984). The issue was not merely individual rehabilitation but rather social reformation. The concern was not so much whether children should be held accountable for their behavior, but rather one of how to best socialize children to prevent them from becoming adult offenders. Subsequently, little or no distinction was made between status offenders and juvenile criminal offenders.

Although the legislation remained unchanged until 1984, societal beliefs regarding youth and crime began to change earlier. Status offenders were a concern of the deinstitutionalization movement of the 1960's. Based on empirical research from the United States and supported

by philosophical beliefs which conflicted with the principles outlined in the J.D.A., it was suggested that "subjecting a child to judicial sanction for a status offense- a juvenile victimless crime- helps neither the child nor society; instead, it often does considerable harm to both" (Boisvert and Wells,1980: 238). However, this belief did not precipitate immediate change due to a lack of consensus amongst various interest groups involved in drafting the legislative reforms (Griffiths & Verdun-Jones,1989).

Following consultation and debate lasting almost a quarter of a century, this philosophy was finally reflected in law in 1984. Status offenses have been eliminated under the Young Offenders Act on the grounds that acts such as running away from home and truancy are problems best addressed by social service agencies and therefore should not be classified as offenses. Specifically, supporters of divestiture of status offenses have espoused two major benefits:

First, that the volume of cases handled in the justice system would be substantially reduced, thus allowing more time for handling more serious cases; second that providing services to youth under the auspices of social service agencies rather than the juvenile court would diminish the potential for young people to be stigmatized by labels and experiences often thought to be associated with being processed by juvenile justice agencies (Hudson et al.,1988:179).

According to Judge Archambault, who was the Director of the federal Solicitor General's Young Offenders Policy Unit, the Young Offenders Act has jurisdiction which is:

limited to federal statutes and regulations only. The broader offense jurisdiction of the Juvenile Delinquents Act has resulted in discrimination against young persons who had been criminalized for behavior which is not illegal for adults and which more properly belongs to the domain of child protection and youth protection legislation (Archambault, 1983:4).

Although these reasons appear logical, the preponderance of empirical support for Archambault's comments has come from research on status offenders in the United States. Very little is known about status offenders in Canada. There are few statistics concerning these youth, few empirical studies and few interpretations of the limited information which does exist. It is difficult to attribute any positive change to the implementation of the Young Offenders Act without knowing how status offenders were dealt with prior to the legislative reforms. Were status offenders consistently discriminated against? Are other systems such as child welfare and mental health better equipped to deal with this category of problem youth? Where were Canada's status offenders prior to this legislative reform and where are they now? This research will provide answers to these questions by examining both historic and current information regarding the social policies,

processes, and actual practises directed at status offenders in the Province of Manitoba.

1.2 REVIEW OF THE LITERATURE

Historically, Canada has been 'behind the times' in terms of reformist strategies (Platt,1977;Leon,1977). However, if this is the case, it may in fact be the most advantageous position from which to plan, to evaluate, and to implement effective strategies based on the experiences of others. It has been suggested that the divestiture of status offenses be viewed as simply the 'intermediary' stage of a lengthy process of change in how we deal with 'emotionally and behaviorally' disturbed children. Rather than standing back and applauding the efforts of politicians and juvenile justice professionals, it is perhaps more prudent to shift our focus to the more difficult task of tracing the historical pattern of utilization of this category of deviance and the eventual elimination of status offenses from Canadian juvenile law. In order to do so it is necessary to first review the research and literature regarding status offenders and the reforms directed at these youth conducted elsewhere. Second, the literature pertaining to status offenders in Canada will be examined.

Although there has been limited substantive research on status offenders in Canada there has been a voluminous body of research on the subject in the United States subsequent to the deinstitutionalization movement. A thorough examination will include the rationales which supported the strategies, the impetus which provided the means, and the outcomes of this reform movement.

As was previously mentioned, the juvenile courts jurisdiction over status offenders has been the subject of controversy for over a quarter of a century. Two rationales have been presented in support of the status offender deinstitutionalization movement. As Kobrin et al (1980) outline, the first rationale addresses legal and human rights issues. It suggests that there can be no justification from a human rights perspective for subjecting those who commit noncriminal acts to the same deprivation of liberty as those youth guilty of criminal offenses. According to the National Council on Crime and Delinquency;

Imprisonment of a status offender serves no humanitarian or rehabilitative purpose. It is instead, unwarranted punishment, unjust because it is disproportionate to the harm done by the child's non-criminal behavior (N.C.C.D.,1975;3).

In short, regardless of whether criminal prosecution of status offenders deters or aggravates further deviance, it has been viewed as unwarranted, unnecessary and in some cases morally repugnant (Kobrin et al,1980). The

consensus of proponents of this point of view is that noncriminal conduct should be dealt with only by social agencies, not the courts.

The second rationale relies heavily on the theoretical implications of labelling theory (eg. Lemert, 1951; Scheff, 1966; Szasz, 1961; Becker, 1963). Labelling theorists propose that a deviant self identity becomes a fixed element of an individuals self concept as a result of being dealt with as deviant by social control agencies. As the National Council on Crime and Delinquency outlined:

Whether we label children status offenders or delinquents once introduced into the juvenile court process they become stigmatized. The benefits derived from such such classification for either the child or society appear to be nonexistent (N.C.C.D, 1975:4).

Status offenders who are arrested and processed officially through the court, come to view themselves as delinquents, however minor these offenses might have been (Becker, 1963).

In response to the evolution of cultural values and attitudes towards criminal justice and armed with the social scientific knowledge of a new era, proponents of deinstitutionalization set out to right the wrongs of an archaic judicial system. The strategies used to achieve this end can be divided into three categories (Kobrin

and Klein,1983; Handler and Zatz,1982; Schneider,1984).

1) Decarceration involved exercising control over juvenile justice officials by restricting or prohibiting secure confinement. Status offenders were processed similarly in that they could still be formally charged with status offenses. However, as a result of 1980 amendments to the Juvenile Justice and Delinquency Act, violation of probation orders, treatment recommendations or placement orders, may result in the charge of contempt of court and the option of detention or committment (Kobrin and Klein,1983). Consequently, the reduction of coercive control within the juvenile justice system resulting from this strategy was minimal.

2) Diversion strategies commonly utilized community based service alternatives (Handler and Zatz,1982). For status offenders diversion occurs upon initial contact in that police, schools, parents, and others are encouraged to bypass the juvenile justice system entirely and referrals are made to available community based services (Kobrin and Klein,1983). However, should the alternative provided prove unsuccessful, or should the alternatives be unavailable, the full range of dispositional options are still available. Thus the juvenile court remains the source of control of status offenders (Kobrin and Klein,1983).

3) Divestiture of juvenile court jurisdiction has been described as the most radical of non-interventionist approaches (Schneider,1984; Kobrin and Klein,1983). Most significantly, with this strategy the courts are unable to impose any official requirements on youths committing status offenses. Alternative services for status offenders are provided by health and welfare systems voluntarily, and independently of judicial controls.

Although reformist strategies vary, the objectives remain consistent in the literature. Zatz outlines these objectives as follows;

- 1) making existing ways of handling troubled youth more humane as well as more responsive to their needs;
- 2) decreasing the probability that status offenders will eventually become criminal offenders by separating them from youth who commit serious offenses;
- 3) focusing more resources on the problems of juveniles who commit crimes;
- 4) promoting recognition of the need for greater procedural and substantive regularity in state intervention in the lives of status offenders;
- 5) encouraging the diversion of such youth from the juvenile justice system;
- 6) promoting the growth and development of community based services for noncriminal offenders; and
- 7) reducing the cost of care, or at least holding them constant (1982:41).

Numerous studies have been conducted to evaluate the outcomes of various initiatives directed at achieving the objectives outlined above. In the United States the

strategies implemented focused primarily on decarceration and diversion although divestiture was tried in a few states (Schneider,1984; Kobrin and Klein, 1982). The Juvenile Justice and Delinquency Act of 1974 initiated a major federal effort in the United States to prohibit the incarceration of status offenders in institutional settings (Kobrin and Klein,1983). In its amended (1977) form, the Act states that status offenders "shall not be placed in juvenile detention or correctional facilities" (223(a)(12)(A) cited in Kobrin and Klein,1983:21) and provides for elimination of state funding should compliance fail to occur within the established timeframes. Furthermore, the Act mandated the use of the least restrictive alternatives in selecting services for status offenders (Kobrin and Klein, 1983:22). In an attempt to alleviate system shifting or transinstitutionalism (Warren,1981) the Act also prohibits nonsecure placement in other institutional settings.

Numerous studies have been conducted to evaluate these reform efforts. Typically, the literature reflects a large discrepancy between promise and practise. The reforms have repeatedly been challenged by claims of unsuccessful outcomes (Lerman,1980;VanDusen,1981;Klein, 1978;Kobrin and Klein,1983;Handler & Zatz,1982;Schneider 1984). For example, in evaluating the results of the deinstitutionalization efforts pertaining to status

offenders Zatz concludes;

After more than a century of experimentation and wrestling with the problem of how best to deal with a broad range of juvenile misconduct, it has become apparent that the results of juvenile justice reform efforts have proved to be largely unjust, costly, and ineffective (1982;30).

Several themes regarding outcome run consistently through the literature, namely; system shifting or transinstitutionalism, relabeling, net-widening, and service restriction or benign neglect. In order to assess whether these processes are occurring in the case of Canadian legal reforms pertaining to status offenders it is necessary to consider these concepts in more detail. This review will examine the definitions of these concepts, the programs in which they occurred most frequently, and the factors which were attributed to the occurrence of these outcomes.

Outcome Research

1.2.1 System Shifting/ Transinstitutionalism

The terms used to describe the process may vary; system shifting, transinstitutionalism (Warren,1981), alternative encapsulation (Klein,1973) community incarceration (Spergel,1976). However, the concept remains consistent. Attempts at removing status offenders from the juvenile justice system have repeatedly resulted in increased pressure on another social control system.

The phenomenon of shifting a population from one component of the social control system to another has been termed transinstitutionalism (Warren,1981). Lerman's examination of national trends in deinstitutionalization between 1950-1973 reported a consistent pattern of system shifting. Based on his findings, Lerman asserts that gains made in deinstitutionalizing juveniles in the justice system have been offset by corresponding increases in institutional placements within other systems. In other words, a new social control system has emerged to replace the old. Within the correctional system, with the exception of training schools there was an overall increase in the use of jails, detention centres and private correctional facilities. Institutional use in the Child Welfare system dropped moderately between 1950 and 1970 although there was a corresponding increase in the use of residential treatment centres. Finally, the mental health system has shown the most predominant pattern of growth in terms of both long and short term care (Lerman,1980). This analysis found the most significant type of system shifting was the transfer of juveniles from public correctional institutions to psychiatric hospitals.

The most common reasons provided for system shifting

were the fiscal incentives provided by the federal government. As Warren points out;

Federal fiscal incentives for deinstitutionalization and diversion, legitimated ideologically by labeling theory, have encouraged transinstitutionalism in the juvenile social control system...the Juvenile Justice and Delinquency Prevention Act of 1974 provided states with fiscal incentives to deinstitutionalize juvenile delinquents, but only from public correctional institutions (1981:723).

In other words, the federal program provided fiscal rewards for states which complied with the reform mandate by shifting or relocating acting out youth from the correctional system into 'nontraditional' settings in the child welfare and mental health systems (Warren, 1981; Lerman 1981; Klein, 1973).

Lerman's findings regarding national trends were replicated at the state level in California (Warren & Guttridge, 1984) and Minnesota (Schwartz, 1984). Warren & Guttridge's analysis highlights the increased strain on psychiatric services resulting from the status offender reforms. Specifically, in California, the per 100,000 rate of admissions to state/county mental hospitals of persons with no prior admissions increased from 6.0 to 15.5 for youth under 15, and from 76.9 to 91.8 for the 15-24 age group (Warren & Guttridge, 1984:126).

Schwartz found a similar pattern occurring in Minnesota

in private psychiatric facilities. The rate of private hospitalization per 100.000 population of juveniles increased from 187 in 1976 to 412 in 1983. She also reported a significant increase in the numbers of youth voluntarily placed in residential treatment centres. The data indicates that in the four year period between 1976-1980, the number of juvenile admissions to inpatient psychiatric settings in private hospitals increased from 1123 to 1775 (Krisberg & Schwartz, 1983; 360). Based on these data, Krisberg & Schwartz have suggested that deinstitutionalization of status offenders from the correctional system has led to an evolution of a 'hidden' system for disruptive or acting out youths who are no longer processed by the public juvenile justice control agencies (1983:361).

1.2.2 Relabeling

Relabeling is best understood as a precursor to a shift in systems. The term means that a client population exhibiting deviant behavior is redefined or given another label. The result of this process is often more restrictive treatment or maintenance of restrictive social control under a new definition (VanDusen, 1981).

Relabeling most typically occurs when juveniles who were previously handled by the courts under the label status offender continue to be involved despite the

implementation of policy changes that were intended to remove these youth from the system (Schneider, 1984:359). For example, by altering the youth's label from delinquent to dependent/or neglected the courts were able to retain jurisdiction and control. Klein suggests that this process was utilized by juvenile justice professionals and social workers in order to facilitate appropriate dispositions and treatment recommendations (1978). Relabeling can be seen as a means utilized by professionals to gain access to already limited resources. The existence of this process suggests therefore, a belief on the part of those professionals dealing with status offenders that they are in need of some form of care, control and/or treatment and cannot be simply ignored.

Klein further suggests that the amount and type of relabeling is a reflection of the agents of a particular system. In the case of youth who engage in both status and delinquent offenses, the label under which the individual enters the system is largely discretionary. In many jurisdictions studied, law enforcement officials utilized the status offender label whenever possible to avoid a more negative stigma and potentially harsher processing associated with the delinquency label (Schneider, 1984).

In order to measure empirically the extent to which relabeling was occurring, researchers have compared alterations in the numbers of status and delinquency offenses prior to and following legislative reforms. The research findings indicate relabeling occurring with all three reformist strategies. Klein cites several examples:

1) Gilman (1970) reports the case of the 1975 Florida law which relabeled status offenders as dependents, and two-time adjudicated ungovernable cases as delinquents.

2) Schneider et al. (1978) report that in the Spokane D.S.O. [Deinstitutionalization of Status Offenders] project an increase in the number of status offenders handled by relabeling both delinquents and neglect cases as status offenders (appropriate clients).

3) In the most blatant case of all, a report on a Santa Clara, California, project indicates that police were trained by program staff to relabel juveniles contacted by them in order to provide 'program credit for expanding efforts to divert such juveniles' (Klein, 1973:184).

Schneider (1984) conducted an impact study which focused on the divestiture of status offenses in Washington, one of the first states to adopt this reform strategy. Schneider's data indicate that although there was some measure of success in terms of a reduction of court contacts for status offenders, relabeling occurred at a rate which offset any positive gains. As a result of discretionary relabeling by law enforcement officials, the incidence of recorded delinquent acts in Seattle

increased significantly and almost doubled the number of delinquent and status incidents in Yakima (Schneider, 1984:367).

VanDusen (1981) examined the extent of relabeling which occurred subsequent to the enactment of Bill AB2121, California's deinstitutionalization legislation. Her findings pointed to three distinct types of redefinitions of client populations. The first form of relabeling occurs when status offenders are redefined as criminal offenders. This was the pattern found in Schneider's research. VanDusen reported a 42% increase in the number of juveniles who had committed both status and criminal offenses being charged with criminal offenses. The unforeseen result of this reform effort may be a "label which is even more stigmatizing and may result in a potentially harsher disposition" (VanDusen, 1981:808).

Costello and Worthington (1981) describe a similar process of relabeling which was utilized by juvenile court judges to circumvent legislative changes. Defined as 'bootstrapping', the contempt power was used to elevate a status offender to juvenile delinquent status. Once a youth has been charged with a criminal offense, the judge has the authority to place the youth in secure detention regardless of the fact that the act which

violates the court order was a status offense. Costello and Worthington suggest that although this process contradicts rehabilitative goals, bootstrapping has been justified as a "necessary technique that must be used in order to force status offenders to cooperate with the court and accept treatment"(1981:59).

The second type of relabeling described by VanDusen was from 'status offender' to 'neglected/dependent' child. In some locations, legislation permitted incarceration of dependent children but not status offenders. VanDusen's findings indicated that as a result of California's legislative reforms "youngsters who would previously have been treated as status offenders were relabeled to the dependency category, thus allowing for their incarceration" (1981:809). Relabeling of this type has also been found to have an impact on other social systems precipitating system shifting.

Where incarceration of this dependent/neglected category was not an option, youth were found to be relabeled 'emotionally disturbed'. According to Lerman's assessment of national trends, institutions have been reserved for troublesome youth in need of social control, or in child welfare terms, varying degrees of a structured style of living. Residential treatment centres for emotionally disturbed youth were identified

as early as 1974 in a New York study of the modern day alternative to training schools for pre-delinquents. Lerman cites an example:

We need many more residential treatment centres...to serve a group of disturbed, vulnerable children, often truants or delinquents, who, if they do not obtain the necessary residential treatment service, are likely to turn into miserable, unhappy adults, prone to crime and other continuing serious emotional and behavioral problems (1982:121).

Similarly, VanDusen's (1981) survey in California also suggested a significant increase in the number of youth behaviorally or emotionally disturbed.

Finally, VanDusen identifies a form of relabeling from "status offender: to psychiatrically troubled" (1981:803). Lerman's analysis of trends resulting from deinstitutionalization indicated an expansion of mental health services to include "alcoholics, drug users, and adolescents with a variety of situational disorders, childhood disorders, personality disorders, and drug disorders" (1982:287). Warren and Guttridge examined adolescent hospitalization in the Los Angeles area between 1976-1978 and found as did Lerman that over 70% of the admissions were for anti-depressive, runaway, drug abuse or personality disorder diagnosis (1984:131). They concluded that relabeling was occurring in order to maintain social control of troubled adolescents:

the psychiatric hospital is being used for

the control of adolescents who are not, in the main, severely impaired psychiatrically, but who are more or less emotionally disturbed, behaviorally deviant, or (in a minority of cases) simply lacking alternative placements (1984:130).

1.2.3 Benign Neglect

Handler et al. examined the impact of deinstitutionalization programs in Arizona, Louisiana, Massachusetts, Pennsylvania, Utah, Virginia, and Wisconsin and found that one of the principle findings spoke to the issue of benign neglect:

It is unclear what is happening to youth who commit status offenses but do not enter the juvenile system or its closely related diversion programs. Are more of these youth being ignored altogether or are they entering other public or private systems? Most officials and observers in the seven states are of the opinion that the former rather than the latter is the case (1982:89).

Schneider's research on divestiture in Washington also proposes that the absence of planned alternative programs may have produced a restriction of services for those who actually require services or cannot access them. Following the implementation of divestiture legislation in Washington, law enforcement officials' strict adherence to this law resulted in juveniles being overlooked or falling between the reach of the courts and social services. The legislation in its original form provided for legal apprehension of youth who were in 'substantial' and 'immediate' danger; had been reported as runaway; or were truant. However, because

of suggestions of benign neglect, amendments were made to the Washington law to alleviate this problem (Schneider, 1984).

A decrease in police - status offender contact often indicates service restriction. A method used to determine the extent of this restriction is to examine the total number of status offenders handled by either social services or the juvenile justice system. In the case of Schneider's research she found the following:

No data were available for a valid comparison because there were no statewide statistics on status offenses in the prereform era. On the other hand, the juvenile justice planning agency estimated that about 20,000 status offender contacts would be shifted from the justice system to D.S.H.S. [Department of Social and Health Services] in the first year; the actual number handled by D.S.H.S. was 22,000 (1984:359).

It appears that in this case there was more evidence supporting system shifting than any form of service restrictions. However, as Schneider's research demonstrates, it is extremely difficult to examine systematically other community settings in which status offenders are receiving services, due to the combined effect of system shifting and relabeling occurring simultaneously (Handler & Zatz;1982).

1.2.4 Net-widening

Net-widening refers to an expansion of the social service system or juvenile justice system to youth for whom these services were neither intended or required (Schneider,1984:357). The literature indicates that in the United States this was one of the most common unintended consequences of reform efforts (Vinter;Downs & Hall,1975; Klein,1983; Kobrin & Klein,1983; Handler & Zatz,1982; VanDusen,1981; Scull,1981). Klein's research indicates that this process occurred most often in programs aimed at diversion;

The comments may apply to many deinstitutionalization programs. They almost certainly apply to most diversion programs (1978:185).

Researchers have repeatedly come to the conclusion that diversion programs have not diverted but rather have expanded the network of social control (Scull,1981:15).

VanDusen's research purported that the federal D.S.O.[Deinstitutionalization of Status Offenders] project led to a significant amount of net-widening in the eight sites examined. The example she cited was in its most blatant form:

In one site...enthusiastic practitioners were found, in the early states of the program, to be canvassing neighborhoods for clients to populate the program... not all the youths 'diverted' by such canvassing had had any contact with the law at all, and never would have had any encounter with the system had it not been

for the special program run by the juvenile court (1981:806).

Vinter, Downs and Hall suggested that the objectives of deinstitutionalization could only be realized by either adding to the number of offenders in community settings or by reducing the numbers in institutional settings. Their findings suggested the former was occurring most often (1975). Krisberg & Schwartz cite similar findings in their national trend analysis "Diversion and alternative programs have mushroomed while detention admission rates declined only slightly and training school admission rates not at all"(1983:353).

Schneider examined the occurrence of net-widening which resulted from Washington's divestiture legislation by measuring changes in police versus status offender contact rates. The legislation was intended to maintain a constant level of contact with status offenders while shifting the service delivery responsibilities from the courts to the Department of Social and Health Services (Schneider,1984). This study measured net-widening by examining the number of increases in police contacts. Schneider concluded that there was no discernible impact on the number of police contacts in either site studied. Further, she suggests on the basis of this Washington study that:

Divestiture probably is more effective than decarceration or diversion in reducing justice system control since

it does remove all the 'pure' status offenders from the system, and because net-widening effects probably will not be produced (Schneider,1984:363).

These results may be somewhat misleading. VanDusen suggests that attempts to eliminate one negative consequence (eg.net-widening) may lead to other negative consequences (eg.relabeling) (1982:802).

This research addresses a pattern common to the outcome literature reviewed. There appears to be a strong relationship between the various outcomes. In VanDusen's research, the absence of net-widening resulted in relabeling. However, in the case of the Massachusetts Experiment legal advocates and child welfare professionals identified alternative encapsulation, relabeling, and net-widening effects. Although all three outcomes have been purported to have occurred, other evaluative research has claimed success. For example, Klein indicated that the Massachusetts Experiment successfully resulted in emptying the institutions, leaving only a few offenders in secure placement. He concludes that "all this" was achieved at no major cost in terms of increase recidivism or serious delinquency (1978). These conclusions demonstrate that the measure of success may depend on the 'ruler' selected to measure the results. As Lerman suggested, the wrong instrument may well produce a one dimensional picture which represents only a part of the complete picture.

1.2.5 STATUS OFFENDERS IN CANADA

A review of the literature found that there is only a small amount of empirical research which examined status offenders in the Canadian judicial system. Given Canada's distinct system one cannot easily assume that information on these offenders in other countries will be representative of the Canadian population. The research which does exist suggests that the Young Offenders Act enacted in 1984 may have simply consolidated in law practises which were occurring in respect to status offenders provincially for a number of years. However, due to the diversity in juvenile justice application at the provincial level this conclusion is difficult to confirm (Bala and Corrado, 1985).

Under the Juvenile Delinquents Act, the administration of juvenile justice was a provincial responsibility:

This federal law required that all provinces establish separate judicial procedures for young persons. Because of the constitutional diversion of powers granting federal jurisdiction over the administration of justice, juvenile courts were established by provincial legislation to administer the Act (Corrado et al, 1983:11).

Therefore, rather than examining status offenders in Canada, it is necessary to explore the differential processing of this category of juveniles inter-

provincially. Although federal juvenile justice policy had remained virtually unchanged since its original enactment in 1908, the literature indicates that the provinces took the initiative to alter the 'status' of status offenders prior to formal acknowledgement in federal law (Osborne, 1979). This fact was noted in the objectives outlined for the Young Offenders Act prior to enactment:

to recognize and give formal effect to the changes and innovations in the treatment of young offenders that have come into being, to make good the deficiencies of the 1908 Act (Osborne, 1979:20)

Examination of the changes which occurred at the provincial level will assist in understanding how status offenders in Manitoba were dealt with. A number of changes occurred provincially which directly affected status offenders. Osborne identified two relatively consistent patterns within all the provinces. First, there was a "transfer of the machinery for dealing with juvenile delinquents" (1979:10) from corrections to community and social services. Second, there was a definite pattern of restricted use of training schools (1979). The first initiatives for these changes were taken as early as 1960, when the deficiencies of the Juvenile Delinquents Act became clearly evident. Until this time, the federal legislation dominated juvenile justice policy. The responsibilities of the provinces were minimal; provision of a court structure as outlined

in the Act, and institutional and administrative facilities for those children determined by the court to be 'in need of care and protection' (Osborne,1979).

The Juvenile Delinquents Act definition of delinquency was described as all-encompassing, vague , and ambiguous. Subsequently, some of the provinces took it upon themselves to narrow the net by limiting training school dispositions to offences punishable if committed by an adult. For example, in Ontario committal to training schools was no longer possible for the non-delinquent child after 1977. Specifically, the Training Schools Act of Ontario:

limits the use of training schools to those children who have contravened any statute in force in Ontario which contravention would be punishable by imprisonment if committed by an adult (Osborne,1979:13).

Similarly, British Columbia implemented measures to prevent training school admissions for status offenders. In 1977, this province introduced the Corrections Amendment Act. In this case admittance was restricted to those adolescents who committed "what for adults would be offences for which they would be liable for imprisonment for more than two years" (1979:13). The Youth Protection Act in Quebec also limited admittance to 'security units' to those aged fourteen to eighteen for a maximum period of three months, renewable at the discretion of the Director of Youth Protection. However,

this Act did not follow the practice of distinguishing between status offenders and other categories of delinquent youth (Wilson, 1982).

The label under which status offenders were formally processed varied provincially. Consequently, the social control systems utilized to deal with status offenders varied from province to province. Several provinces dealt with a youth alleged to have committed a delinquent act as neglected under child welfare legislation, rather than as a delinquent under the J.D.A. (Wilson, 1982). Alternatively, a youth might be found to be delinquent through the juvenile justice system and then be dealt with in the disposition stage through the child welfare system. The literature suggests that this was the process utilized in Manitoba. Wilson cites a specific case example:

The child was adjudged delinquent and pursuant to Section 20(1)(h) of the Juvenile Delinquents Act, committed to the care and custody of the Children's Aid Society of Winnipeg (1982:29).

This shifting of systems from adjudication to disposition and the lack of clear definition between delinquent and dependent/neglected categories of 'problem' youth makes it extremely difficult to discern exactly where status offenders were in Canada's complex net of social control.

Finally, due to ambiguous wording such as sexual immorality or "similar form of vice" or any other act, status offences were difficult to both define and measure. As a result, the provinces varied across Canada in terms of how they defined this category of delinquency. It has been suggested that this variation was contingent on the subjective value judgements of individual judges. Cousineau and Veevers give an example which typifies an all too common situation:

In Quebec juveniles are more likely to be charged with being immoral than with being incorrigible; in Ontario the situation is reversed and charges of immorality constitute less than half of one percent of all charges. It is of course possible that children in Quebec are actually more immoral but less incorrigible than children in Ontario: it seems more likely that the police and court officials in the two provinces are using different operational definitions of the two offences (c.f. Boydell et al, 1972:245).

This proposition is supported in the minimal amount of research which does exist in Manitoba. Kueneman and Linden's juvenile court study conducted in 1979 found that "problems such as incorrigibility, promiscuity, running away from home, and truancy are not handled by the Winnipeg court (Kueneman & Linden, 1983 :223) Rather, status offenders in Winnipeg at this time were found to consist of alcohol related offences and driving under age. These status offences made up less than 15% of the total of juvenile offences. The results from the

National Study on the Functioning of Juvenile Courts reported similar findings. Although in this study status offenders were found to comprise 27% of the total sample of 581 youth, these offenses were found to consist only of violations of provincial liquor laws (Kueneman et al., 1984).

One interpretation of these findings would be that runaways, incorrigibles, and truants simply did not exist in Manitoba. However, a more realistic conclusion is that another social control system may have evolved for those recalcitrant youth no longer formally handled through the juvenile courts. A review of the literature has provided little information to determine specifically where these youth have been handled. It appears that in the Province Manitoba, status offenders have been virtually hidden from view.

1.3 STATEMENT OF THE RESEARCH PROBLEM

When attributing causality regarding outcomes to legislative changes it is important to bear in mind that "legislation often reflects, rather than initiates, social change" (Kobrin and Klein, 1983:307). For example, in the United States by the time of implementation of the Deinstitutionalization of Status Offenders Project in 1976, 15 states had already prohibited post-adjudication commitment of status offenders (1983:307). In these 15 states the federal effort may have simply reflected the change already in practise, whereas in the case of remaining states the legislative changes may have precipitated the reforms.

Although there is little Canadian research on the subject, the literature which does exist suggests that the majority of Canadian provinces initiated changes which did indeed precede the Young Offenders Act. The Young Offenders Act Highlights outlines the specific reform which addressed status offences:

The Act covers only those young people charged with specific offences against the Criminal Code and other federal statutes and regulations. The catch-all offence of "delinquency" which covered all juvenile offences including the status offences of "sexual immorality" and "any other form of vice" has been abolished. This means that young people do not face the possibility of receiving a criminal conviction for behavior that is not illegal for an adult and that can be dealt with more appropriately by child welfare, youth protection

legislation and other forms of provincial legislation (1988:7).

The rationale presented in this passage echoes the legal-human rights argument previously outlined. The Canadian response to the deinstitutionalization movement has been described as the most extreme form of non-intervention (Schneider, 1984). Status offences have been decriminalized or divested from the jurisdiction of the federal court system. However, in order to measure with accuracy any change which has occurred subsequent to this legal reform, it is necessary to first provide descriptive information regarding this vague and ambiguously defined category of youth. Therefore, this research will address the following questions:

- 1) Who were Manitoba's status offenders and in which social control systems were they found prior to 1984? Has there been a shift in the systems which deal with these youth?
- 2) What has happened to the population of youth previously labeled status offenders? Were status offenders 're-labeled'? If so, at what point in time did this process occur?
- 3) What dispositions did status offenders receive? What was the extent of institutionalization/detention?
- 4) Has the 'net' of social control widened or narrowed in terms of the systems or services available for youth previously known as status offenders?
- 5) Did the Y.O.A. precipitate change in terms of structures, processes, and systems available to status offenders or did it acknowledge reforms which had already occurred?

CHAPTER TWO

METHODOLOGICAL FRAMEWORK

The objectives of this research were twofold: first to describe the population known as status offenders as they existed prior to 1984 and second to explore the extent to which the structures and/or procedures for dealing with status offenders have changed during the last fifty years. This study will consist of three components: a two part analysis of historical case records and semi-structured interviews with key personnel representing juvenile corrections, mental health and social services. Following is a brief discussion of these two data sources, the selected sampling criteria, the operationalization of the variables and the procedures utilized in analysis.

2.1 ARCHIVAL RESEARCH: PART ONE

The first component of this research was designed to provide a descriptive analysis of status offenders governed by the Juvenile Delinquent's Act. This analysis involved gathering data specific to status offenders from the Juvenile and Family Court Records Project, conducted by L.Kaminski in the Faculty of Social Work at the University of Manitoba. These data consisted of Juvenile and Delinquency Act and Child

Welfare Act files from 1930-1970. These data were used to provide descriptive historical data regarding status offenders in the Province of Manitoba. It is unfortunate that these data were somewhat limited due to missing or incomplete files in the earlier years. Nevertheless, individual case data selected from the years 1940 and 1950 were used to provide background information on status offenders during these periods. It is important to note Kueneman and Linden's 1979 Winnipeg Juvenile Court study which found that status offenses consisted primarily of underage alcohol possession and consumption and underage driving offenses (1979:223). These archival data assisted in determining whether this was the case for all periods examined or a result of idiosyncratic historical fluctuations (Kaminski,1990)

2.1.2 SAMPLE SELECTION

The sample selected for this component of the research was originally to consist of all individuals charged with a status offence during the two selected timeframes: 1940 and 1950. This sample comprised both Juvenile Delinquent Act and Child Welfare Act files. This sample was limited by the fact that there were very few files in the earlier data set. This concern was addressed by choosing the later years coded for analysis. However, an extremely small sample of cases

was obtained for these two years. It is unlikely that the total number of files in the data accurately reflect the total population of status offenders (n=21). Therefore we can regard these twenty one cases as a sample of the total population. This sample was utilized to determine the specific types of status offenses which were sanctioned during these time periods. The data for the year 1950 was supplemented by incorporating 1950 into the court docket analysis in Part Two of the Archival component. This resulted in a total population of 102 cases for the year 1950. Unfortunately the court dockets for the year 1940 are not available. It was necessary to rely on the sample of nine cases for the year 1940. For this reason, the emphasis in the analysis will be on the years 1950 through 1975.

The years 1940 and 1950 were selected primarily due to a process of elimination. The earlier time periods were not included as a result of the expected missing information. The 1960 and 1970 data were not coded and was addressed in Part Two of the archival analysis. Therefore 1940 and 1950 were the timeframes selected to provide a limited description of the processes and structures available for status offenders over this period of time.

2.1.3 OPERATIONALIZATION AND CONCEPTUALIZATION OF VARIABLES

For this stage of the research a status offense was operationally defined as "an offense for which a juvenile may be adjudged delinquent but for which an adult may not suffer sanction" (Bala and Lillies, 1983:435). The difficulty in defining or conceptualizing this term lay in the fact that it had been used to describe a variety of adolescent 'acting out' behaviors such as truancy, sexual immorality, incorrigibility, running away, drinking or driving underage and general 'out of control' behavior. Therefore the term status offender may be used to describe any of these forms of legally defined deviance. The definitional task is further complicated by a number of factors outlined previously in relevant research. Zatz specifies the following:

1)different jurisdictions join different actions under the rubric of a status offense;2)many jurisdictions do not have a separate classification for youth who have committed status offenses, preferring to label them as delinquent, or dependant or neglected children and; 3)social science data and the premise that the status offender is in real life any different from the delinquent offender (1982:44).

Although these comments refer to the situation in the U.S., this study assisted in determining whether these comments also apply to the situation in Manitoba. The first statement regarding the variability in labeling of

status offenses intraprovincially has already been discussed and confirmed empirically. The primary purpose of this component was to provide baseline data on status offenders. Therefore, descriptions of these offenders during the two timeframes selected for analysis was provided by examining the following demographic variables:

- 1) age at time of status offense
- 2) gender
- 3) ethnic origin
- 4) religion

Offense information included the total number of informations and charges in the juvenile's file. Select cases were used to determine specifically which acts constituted a status offense during these timeframes. This was necessary because official records indicated only that a status offense has occurred but did not indicate specifically what types of behavior were being sanctioned. The case data was used to determine the particular types of behavior which precipitated official responses during these timeframes.

Finally, these archival data were used to answer questions concerning dispositions for status offenders. Statistical analysis of data measured the range of dispositions available and which were most commonly selected. This analysis also measured the use of training schools and other institutional options. The

status offenders length of institutionalization was also considered for the year 1950.

2.2 ARCHIVAL RESEARCH PART 11

The literature review suggested that a number of changes had occurred in terms of status offenders prior to the implementation of legal reforms in juvenile law in 1984. It is important, therefore, to examine the time periods which preceded official divestiture of status offenses. As indicated, the Juvenile and Family Court Records Project had not yet coded the 1960's and 1970's data and coding the entire data set was not possible for this research project. However, rather than excluding this 20 year time period from the analysis, this component of the research was designed to generate data specific to the research questions. Rather than coding the entire data set, the court dockets from the Juvenile and Family Court were utilized to select only those files pertaining to youth charged with status offenses.

2.2.1 SAMPLE SELECTION

The original sample of status offenders consisted of all individuals charged with a status offense in 1960, 1966, 1970, and 1975. Four years were selected rather than two in this component as a result of the literature review which indicated a number of changes occurring with status offenders during this time period. A ten

year gap between data sets was considered too long to address the research questions in a more comprehensive manner. The inclusion of all youth convicted of status offenses comprised a total sample of 2116 cases including the 1950 data. Random sampling procedures were employed to select a smaller sample (5%) of cases for the detailed analysis of the status offenders offense histories. Although this sample is too small to generalize to the larger population of status offenders it was useful in detecting patterns which could be used as a basis for more extensive research.

2.2.2 OPERATIONALIZATION AND CONCEPTUALIZATION OF VARIABLES

This component of the research utilized the same operational definition of a status offense as was outlined in Part I. Further, a status offender was operationally defined as 'a youth who commits a status offense'. Once again, demographic data concerning the youth's age at time of status offense, gender, and ethnic origin was used to address the question of who these offenders were. The specific behaviors which constituted the charge of status offense were examined as well as the total informations and charges in the juvenile's file. These data were useful in examining the types of 'acting out' behaviors which were receiving attention during the time period in question as well as

which deviant acts were being either ignored or redirected to other systems. Examination of a youths complete offense history was designed to assist in determining whether there is in fact a population of 'pure' status offenders. These data were also used to establish whether a process of upward relabeling was occurring in response to a change in philosophical orientations of those professionals dealing with this category of youth.

The last variable to be considered was the disposition selected for the status offender. Similar to Part 1 of the Archival analysis, data were generated concerning the range of available dispositions and those most commonly used. However, this analysis goes one step further in that the disposition can be examined in relation to a specific behavior rather than the general category status offense. For example, the data may indicate that individuals charged with sexual immorality more frequently receive institutional dispositions than those charged with incorrigibility. Length of institutionalization was also included in the data generated.

The dispositions available to the courts for status offenses were collected as indicators of the occurrence of netwidening or service restriction within the

juvenile justice systems for these youth. However, these data were limited in that only one system was examined. The following component will, however, be used to compensate for the limitations of the archival data.

2.3 INTERVIEWS WITH KEY ACTORS

The first component of the research was designed to provide specific information concerning status offenders formally labeled and processed through the juvenile courts in Manitoba. Although primarily exploratory in design, it provided a base from which to analyse and measure more recent changes concerning the legal definition of deviance. However, because these data are limited to only one system, it runs the risk of presenting distorted or incomplete information (Lerman, 1980). If as the literature suggests, only a small percentage of status offenders were being formally processed through the juvenile courts prior to judicial reform, these data would provide answers to a portion of the research questions. In order to determine if status offenders were redistributed to other systems under the guise of different labels it was necessary to rely on the qualitative component of this research for a more comprehensive analysis.

The second stage of this research was designed to examine and to describe the changes which occurred in regards to status offenders and to examine which of these can be attributed to recent legislative reforms.

It has been suggested that qualitative data can be critical in examining legislative change (Berk c.f. Klein and Teilmann, 1980). Specifically, generating this type of data assists in establishing whether there was any response to legislation and if so what the responses were according to those directly effected. Berk also outlines the effectiveness of utilizing qualitative data to establish temporal sequences related to legislative reforms. He suggests that "since temporal order is one essential ingredient in causal inference, qualitative data involves more than mere description"(1980:617). This was of particular importance in providing information to link the large sequential gaps which occurred in the quantitative data generated.

A method used in previous research on status offenders known as backward mapping was employed to measure system changes qualitatively. As the term suggests, this method started at the field level with officials and agencies responsible for the actual delivery of services. Interviews with key players examined the problems encountered in trying to achieve change from

the perspective of those directly responsible for the provision of services (Handler and Zatz,1982). This component was also primarily exploratory in nature but was nevertheless considered to be important for a number of reasons. The qualitative analysis included representation from three primary social control systems; child welfare, mental health, and juvenile corrections. As a result, the data generated provided a more comprehensive examination of the systems which provide services to these youth 'acting out' under a variety of labels. This type of analysis, in contrast to the first stage of the research de-emphasizes the significance of the specific official labels that may be attached to these youth recognizing as did other researchers that "children with different behaviors are given the same labels while, conversely children with similar behaviors are frequently labeled differently (Handler and Zatz,1982:725). This research design acknowledged that labels are an extremely tenuous phenomenon, contingent on a particular time in history and often reflective of such factors as political ideology, social values and predominant social issues during the time in question. With this in mind the analysis examined both the deviant behaviors and their concomitant labels within different systems.

Examination of research designs previously employed to

measure changes in the systems and procedures dealing with status offenders have relied primarily on official statistics. For example, Schneider's research on divestiture of status offenders compared the number of status and delinquency offenses in the pre and post systems. If the number of delinquencies reported increased correspondingly with a reduction of status offenses, it was inferred that upward relabeling was occurring (Schneider,1984).

A second form of relabeling from status offender to dependant/neglected child has also been traditionally measured utilizing quantitative analysis of system shifts. A reduction or removal of status offenders from the juvenile justice system with a corresponding increase in the number of referrals to social service systems was interpreted empirically as this type of relabeling. This method of analysis was also used to measure relabeling from status offender to the category of psychiatrically troubled.

In the initial conceptualization stages of this research examination of system shifts in status offender populations using official statistics was considered a viable method of addressing the research questions. However, following discussions with representatives from the three systems and closer examination of the

complexity of the research questions, use of official statistics was ruled out. Interviews with key actors representing each system was determined to be a much more effective and reliable method of analysis. A number of weaknesses in the quantitative measures of status offenders became evident.

The first concern which became readily apparent was how difficult it would be to accurately measure the population of status offenders in three large systems for both pre- and post- legislation time frames. Handler and Zatz specifically outline a number of variables which may alter the official statistics:

Even if classificatory headings had remained the same over time, if the behaviors grouped under them had been consistently included and defined, and if patterns of interagency responsibility had remained constant, it would still be a complex matter to account for any changes that might have ensued. One would need to consider a wide array of contributing factors in trying to account for changes in the size and rate of growth or decline of the status offender population ...if the overall juvenile population grew but the incidence of status offenses remained the same, this fact might be attributable to a decline in the rate of juvenile offenses generally, to changes in the referral practises and intake procedures of juvenile justice professionals, to a change in the level of community tolerance for nuisance behavior, to the numbers of available placements, or some combination thereof (1982:48).

As the authors suggest, even with consistent

classification systems and statutory definitions, analysis of such an ambiguous concept using only quantitative measures may not meet reliability and validity demands. The use of qualitative methods allowed for the exploration of the impact of a number of the variables which have claimed to effect the status offender population.

There are other factors which further complicated the analysis. The Young Offenders Act, of course, was directed not only towards status offenders but toward the entire population of juvenile offenders. In fact, the exclusion of status offenders from federal legislation has been virtually ignored compared to some of the more controversial changes in this new Act, such as those concerning minimum age and maximum penalty provisions. In addition the philosophical orientation of the Young Offenders Act has reflected a dramatic change from its predecessor. Specifically:

The Y.O.A. is more punishment oriented than treatment, it focuses more on the offense than on the offender and purports to limit the wide scope for judicial discretion possible under the J.D.A. Due process will clearly be a mandatory element for all proceedings taken pursuant to the Y.O.A., in contrast to the wide variation possible in delinquency proceedings (Lillies, 1983:25).

With all of these rather significant changes occurring at the same time as the divestiture of status offenses, it would not be possible to discern from official

statistics alone, the impact of all of these factors operating simultaneously to change the structures and processes available to young offenders.

A second notable transition occurred in the child welfare system which may have precipitated further change in the juvenile offender population. In addition to addressing its own population, Section 20(1) of the J.D.A. authorized the court to commit a juvenile into the care of the Children's Aid Society or the Director of Child Welfare. The Y.O.A. removed this provision with the intention of clearly defining the distinction between criminal law dispositions and child welfare placements (Lilles, 1983:23). This distinction was further reaffirmed with the enactment in July 1985 of the Child and Family Services Act which replaced the Child Welfare Act. This Act deleted as 'unnecessary', Part IV of the Child Welfare Act dealing with Juvenile Delinquents and Unmanageable Wards. It seems relatively apparent that both these legislative reforms had similar objectives of alleviating some of the lack of distinction between different categories of problem youth. Nevertheless, it was anticipated that these significant reforms in two major social systems would have had a significant impact on the characteristics of youth entering both of these systems. In short, as the working philosophies of a system change, so will the

populations served.

It is for these reasons that in person semi-structured interviews with representatives from three primary social control systems was determined to be the most effective method to elicit data pertaining specifically to the category of status offenders.

2.2.1 SAMPLE SELECTION

There were two criteria used to select the individuals interviewed. First, due to the fact that the research questions address the structures/processes for status offenders both prior to and following the implementation of the Y.O.A., it was preferable to select individuals who have worked in a system for an extended period of time. However, this was not possible for all cases. The second criterion for selection was that the individual interviewed had a solid working knowledge of the system in which he/she worked. These individuals have been previously defined as key actors or key personnel (Kueneman et al,1984;Handler & Zatz,1982). Subjects were identified through the use of organizational directories as well as individual referrals from other key actors.

Once the list of interviewees was compiled, the individuals were contacted by telephone, the purpose of the study explained, their appropriateness confirmed,

and permission was obtained for an in person interview. The sample consisted of 14 interviews approximately one hour in duration. The list of key personnel was a purposive sample and was not statistically nor randomly selected and therefore does not comprise a representative sample. It is, however, a source of information regarding status offenders. Consistency in responses between individuals interviewed will assist in determining both the reliability and validity of the data produced from this sample. In assessing these factors, consistency between individuals from different systems was also considered.

2.2.2 OPERATIONALIZATION AND CONCEPTUALIZATION OF VARIABLES

This component of the research was designed to measure the impact of a number of variables. As was previously mentioned, the term "status offender" was operationally defined as an individual under the age of eighteen who displays any of the following behavior; truancy, incorrigibility, sexual promiscuity, immorality, running away, unmanageability or underage driving or drinking. It was expected that although the term status offender was not well known to all of the key actors, the deviant behaviors exhibited by these youth would be readily identifiable. The emphasis in this component of the research was on finding the population of youth in the

various systems which exhibited these behaviors. Of course the official label attached will vary with the social system under examination.

Specific questions asked of the respondents were used to operationalize the variables or concepts identified in the specific research questions. The interviews were both standardized and reflexive (Hammersley & Atkinson, 1983). Specific questions pertaining to definitions, intake procedures, processing, placement, service options and availability of services for status offenders were established and pre-tested prior to the in-person interviews. However, other pertinent questions arose out of the interviewing process itself. This information has been included in the data analysis.

In contrast to the first data set which addressed research questions pertaining only to the pre 1984 timeframe, the data generated from the interviews was utilized in addressing all of the research questions. That is, the interviews were able to explore the structures and processes available for status offenders both prior to and after the implementation of the Y.O.A.

The first step of the interview was to provide the subject with a definition of the term status offender and the category of youth in question. The subjects

were regarded as informants rather than respondents due to the fact that they were instructed as to the nature and purpose of the research (Hammersley & Atkinson, 1983). Therefore, this design incorporated an inductive component in attempting to identify any additional variables which may have effected these changes.

Relabeling was measured by comparing the official labels applied to the described "acting out" behaviors. In order to determine the approximate timeframes at which these processes occurred it was necessary to explore with the key players how long these labels had been used. If the label status offender was redefined as either a "child in need of protection"(Section 17,Child and Family Services Act,1986), a young offender, or a psychiatrically or emotionally disturbed youth , then we can conclude that relabeling was occurring. Determination of when the relabeling occurred and what factors precipitated this process helped to establish the relative impact of divestiture or any other identified precipitants prior to the legislative initiatives.

Given the fact that relabeling was regarded as a prerequisite to transinstitutionalism, the operational measures were closely related. Transinstitutionalism was measured by exploring the social control systems

which have had responsibility for the care and control of youth exhibiting status offense behaviors. The interview explored whether or not there were noticeable increases in the number of youth referred to a particular system. If there were increases, what reasons were provided for the referral. An increase in referrals for youth exhibiting behaviors indicative of status offenses was a measure of transinstitutionalism. Once again, timeframes in which these shifts occurred were explored. Finally the factors the key players attributed to these changes were examined.

2.2.3 ANALYZING THE DATA

The analysis of the archival data involved primarily the use of descriptive statistics to examine the total population of status offenders. Frequency distributions were used to describe single variables for each sample year. Crosstabulations were utilized to examine the relationship between two variables. Frequency distributions and crosstabulations were also used to analyse the smaller sample of cases which examined the case histories of status offenders.

Further analysis involved an examination of the relationship between the disposition applied to status offenses (dependent variable) and various independent variables. Crosstabulations reflecting the degree of

association between these variables are presented in Chapter Three.

Cramer's V and Chi-square were employed as tests of statistical significance. Chi-square is obtained by comparing the expected values for each cell if the variables were not associated with the actual observed values. Cramer's V is a transformation of chi-square that standardizes the number of cells in the crosstabulation table so that the range becomes 0.0 to 1.0. This allows for easier interpretation of statistical significance (Hedderon, 1987).

Finally, discriminant function analysis was utilized to examine the associations between the dispositions received by status offenders and the independent variables sex, age, year of offense, and the specific status offense. This analysis is designed to work with nominal dependent variables. However, it is inappropriate when the dependent variable has a large number of values. Therefore the dependent variable disposition was recoded into a smaller number of categories (Hedderon, 1987).

The data produced from the in-person interviews were analyzed qualitatively. In order to incorporate and organize both structured or semi-structured questions

and reflexive questions, responses were transcribed according to the specific research questions. Data from each of the 14 interviews were collected, the complete interview was transcribed and was then classified into categories according to which of the specific questions the interview questions applied. Additional information obtained from the reflexive questions were organized and presented in the same manner.

CHAPTER THREE

PRESENTATION AND DISCUSSION OF FINDINGS

The findings of all three components of the research project are organized in accordance with the initial research questions. The quantitative data generated from Part One and Part Two of the Archival research will be discussed as it pertains to specific research questions. This analysis will be supplemented with the qualitative data obtained from the interviews. The qualitative data will also be utilized independantly to address those questions not considered in the Archival component of the research.

3.1 QUESTION ONE

Who were Manitoba's status offenders and in which social control systems were they found prior to 1984? Has there been a shift in the systems which deal with these youth?

This question was addressed with both the quantitative and qualitative components of the research. Part Two of the archival analysis yielded a sample of n=2116. This number reflects the total population of status offense convictions for the years 1950, 1960, 1966, 1970 and 1975. In order to assess the reliability of these data, the total number of convictions for all delinquencies was compared with the data from the Historical Statistics of Canada. Although the historical

statistics calculated cases of delinquencies rather than convictions the numbers are relatively consistent.

The total population of status offenders was examined for each year independently in order to determine any patterns of growth in this population of deviant youth. As shown in Table 1, although the actual number of status offenders convicted increased from 1950 to 1975, the percentage of status offenders in the total population of youthful offenders remained relatively constant.¹

TABLE 1
STATUS OFFENDER POPULATION

YEAR	TOTAL STATUS OFFENDERS	%STATUS OFFENDER IN TOTAL YOUTH CHARGED
1950	102	29%
1960	333	20%
1966	453	25%
1970	506	22%
1975	722	25%

Examination of these findings in the context of general population growth for adolescents also suggests the number of status offenders increased proportionately (Canada Census).

¹ The number of status offenses in 1970 should be approx. 10% higher. Sniffing was not included in operational definition of status offense. The interviews later indicated that this delinquency was a status offense.

As is indicated in Table 2, although the representation of status offenses remained relatively constant from 1950 through 1975, the actual composition of this category of deviance changed quite radically. In 1950 sexual immorality and incorrigibility offenses comprised seventy percent of those youth charged with status offenses. The percentage of youth charged with these two offenses decreased with each successive year.

TABLE TWO
SPECIFIC STATUS OFFENSE
1950 - 1975

VAR3	COUNT COL PCT	VAR2					ROW TOTAL
		50	60	66	70	75	
LCA	1	3 2.9	204 61.3	283 62.5	342 67.6	515 71.3	1347 63.7
SEXUAL IMMORALIT	2	39 38.2	63 18.9	81 17.9	65 12.8	34 4.7	282 13.3
INCORRIGIBILITY	3	33 32.4	10 3.0	38 8.4			81 3.8
HABITUAL TRUANCY	4	14 13.7	50 15.0	43 9.5	24 4.7		131 6.2
UNMANAGEABILITY	5	6 5.9	3 .9	8 1.8	22 4.3		39 1.8
RUNNING AWAY	6	3 2.9	3 .9				6 .3
HIWAY&TRAFFIC	8	4 3.9			53 10.5	173 24.0	230 10.9
COLUMN TOTAL		102 4.8	333 15.7	453 21.4	506 23.9	722 34.1	2116 100.0

In 1975 sexual immorality cases represent only five percent of the status offenders and incorrigibility is not represented at all after 1966. In contrast liquor and highway traffic offenses represent only 3% of the status offenses in 1950 sample but comprise eighty to ninety-five percent of the 1970 and 1975 status offenses.

The interviews provided an explanation as to why there was such a drastic decline in particular forms of status offenses. A juvenile court judge commented;

Judge Stubbs dug up some dockets from the Manitoba Home for Girls that went back to 1970 and showed me that kids were being committed to Manitoba Home for Girls and Manitoba Home for Boys for truancy. I have never yet to this day in 18 years on the bench had a truancy charge because where I suppose once upon a time it was quite prevalent..I suppose things change where if you brought a kid before us 15 years ago for truancy we'd say what are you bothering us for.

This judge explained that particular status offenses that fell under the description of 'sexual immorality or any similar form of vice' were subject to legal challenge in the early 1970's. He explains;

It was challenged in the court of appeal as not being an offense known to law and that is why they stopped laying those kind of charges. In other words don't bring them to court because there is no such offense. 'Similar form of vice' cannot be defined.

Although this judge identified legal challenge as the reason behind the extinction of some of these offenses,

there appear to be other factors influencing judicial decision making as well. It becomes apparent in examining the specific types of status offenses which are prevalent in the various sample years that these offenses are indicators of social issues of the time. This category of delinquency can be seen as somewhat of a moral barometer. For example, in the post war years sexual immorality in young girls was receiving a great deal of judicial attention. In contrast, in the 1970 population, drug and alcohol offenses made up the majority of cases appearing in youth court. (Underage drinking and sniffing were the specific status offenses.)

As the specific type of offenses comprising this type of delinquency changed so did the demographic profile of the status offenders in Manitoba. This becomes apparent upon examination of specifically who status offenders were in Manitoba.

As was outlined in Chapter Two, data pertaining to a number of variables was generated in order to provide descriptive profiles and typologies of status offenders in Manitoba in 1940 through 1975. The 1940 data are not included in the analysis due to the fact that the sample was too small to yield significant results. A review of the nine juvenile files existing for 1940 indicated that

the status offenders were predominantly female, and were younger on average, than the status offenders in the 1950 - 1975 population. However, this sample is too small to attempt to generalize this information to a larger population. The demographic characteristics of the sample are presented in Tables 3 and 4. The ages of the status offenders at the time of the offense ranged from 10 to 18 years. As shown in Table 3, the majority were between 15 and 17 for all years examined.

TABLE 3
AGE OF STATUS OFFENDERS
1950-1975

VAR5	COUNT COL PCT	VAR2					ROW TOTAL
		50	60	66	70	75	
10			1 .3	1 .2			2 .1
11	3 2.9			2 .4	2 .4	3 .4	10 .5
12	5 4.9	5 1.5	7 1.5	6 1.2	13 1.8	36 1.7	
13	5 4.9	13 3.9	21 4.6	33 6.5	35 4.8	107 5.1	
14	20 19.6	49 14.7	43 9.5	55 10.9	83 11.5	250 11.8	
15	27 26.5	63 18.9	71 15.7	118 23.3	227 31.4	506 23.9	
16	21 20.6	91 27.3	129 28.5	126 24.9	143 19.8	510 24.1	
17	18 17.6	108 32.4	178 39.3	162 32.0	218 30.2	684 32.3	
18	3 2.9	3 .9	1 .2	4 .8		11 .5	
COLUMN TOTAL	102 4.8	333 15.7	453 21.4	506 23.9	722 34.1	2116 100.0	

The gender of status offenders appears to have changed over the time period examined. As is indicated in Table 2, in 1950 72% of the youth charged with status offenses were female, and 28% were male. This unequal distribution is evened out in the years 1960 and 1966 and then reverses itself in 1970 and 1975 with the males representing over 70% of those youth charged with status offenses.

TABLE 4
SEX OF STATUS OFFENDER
1950 - 1975

VAR4	COUNT COL PCT	VAR2					ROW TOTAL
		50	60	66	70	75	
MALE	1	29 28.4	204 61.3	267 58.9	368 72.7	552 76.5	1420 67.1
FEMALE	2	73 71.6	129 38.7	186 41.1	138 27.3	170 23.5	696 32.9
	COLUMN TOTAL	102 4.8	333 15.7	453 21.4	506 23.9	722 34.1	2116 100.0

<u>CHI-SQUARE</u>	<u>D.F.</u>	<u>SIGNIFICANCE</u>	<u>MIN E.F.</u>	<u>CELLS WITH E.F. < 5</u>
123.78310	4	0.0000	33.550	NONE

In contrast to these findings, the consistent perception from the key players interviewed was that status offenders were predominantly female. According to one juvenile court judge interviewed;

The girls were the status offenders.
There was something at that time that
classified a fourteen year old runaway

girl as some horrendous type of conduct, but not a fourteen year old boy. The boy was classified as a 'boy growing up'. Why there was a distinction I don't know. I'm not suggesting for a moment that boys tramped through life without getting involved with the same type of conduct that brought the girls before us.

The predominance of females charged was attributed to a 'double standard' operating in terms of the types of behaviors sanctioned for females. As this judge explains;

There was a perception by those individuals who charged that somehow or other we have to charge the girls but we don't charge the boys. There was a double standard.

An interview with a child welfare representative provides some explanation as to why status offenders were perceived to be predominantly female. When questioned regarding the definition of status offenses most individuals interviewed indicated an awareness of the sexual immorality charge. The interviews and the court docket sample indicated that females made up the majority of youth charged with sexual immorality in all the years sampled. Tables 5 through 9 show the distinction between the types of status offenses males and females are charged with. These tables reflect the fact that females are charged with sexual offenses most often whereas males make up the consistent majority of liquor and highway traffic offenses in all sample years. There is no clear pattern of overrepresentation by gender for the other specific status offenses. Not

surprisingly the professionals interviewed demonstrated a heightened awareness of the inequities in the system.

TABLE 5
SPECIFIC STATUS OFFENSE BY SEX
1950

VAR4	COUNT COL PCT	VAR3						ROW TOTAL	
		LCA	SEXUAL I MMORALIT	INCORRIG IBILITY	HABITUAL TRUANCY	UNMANAGE ABILITY	RUNNING AWAY		HIWAY&TR AFFIC
		1	2	3	4	5	6	8	
MALE	1	2 66.7		13 39.4	7 50.0	2 33.3	2 66.7	3 75.0	29 28.4
FEMALE	2	1 33.3	39 100.0	20 60.6	7 50.0	4 66.7	1 33.3	1 25.0	73 71.6
COLUMN TOTAL		3 2.9	39 38.2	33 32.4	14 13.7	6 5.9	3 2.9	4 3.9	102 100.0

TABLE 6
SPECIFIC STATUS OFFENSE BY SEX
1960

VAR4	COUNT COL PCT	VAR3					ROW TOTAL	
		LCA	SEXUAL I MMORALIT	INCORRIG IBILITY	HABITUAL TRUANCY	UNMANAGE ABILITY		RUNNING AWAY
		1	2	3	4	5	6	
MALE	1	160 78.4	9 14.3	2 20.0	31 62.0		2 66.7	204 61.3
FEMALE	2	44 21.6	54 85.7	8 80.0	19 38.0	3 100.0	1 33.3	129 38.7
COLUMN TOTAL		204 61.3	63 18.9	10 3.0	50 15.0	3 .9	3 .9	333 100.0

TABLE 7
 SPECIFIC STATUS OFFENSE BY SEX
 1966

VAR4	COUNT COL PCT	VAR3					ROW TOTAL
		LCA	SEXUAL I MMORALIT	INCORRIG IBILITY	HABITUAL TRUANCY	UNMANAGE ABILITY	
		1	2	3	4	5	
MALE	1	210 74.2	13 16.0	16 42.1	28 65.1		267 58.9
	2	73 25.8	68 84.0	22 57.9	15 34.9	8 100.0	186 41.1
COLUMN TOTAL		283 62.5	81 17.9	38 8.4	43 9.5	8 1.8	453 100.0

TABLE 8
 SPECIFIC STATUS OFFENSE BY SEX
 1970

VAR4	COUNT COL PCT	VAR3					ROW TOTAL
		LCA	SEXUAL I MMORALIT	HABITUAL TRUANCY	UNMANAGE ABILITY	HIWAY&TR AFFIC	
		1	2	4	5	8	
MALE	1	279 81.6	14 21.5	17 70.8	11 50.0	47 88.7	368 72.7
	2	63 18.4	51 78.5	7 29.2	11 50.0	6 11.3	138 27.3
COLUMN TOTAL		342 67.6	65 12.8	24 4.7	22 4.3	53 10.5	506 100.0

TABLE 9
 SPECIFIC STATUS OFFENSE BY SEX
 1975

VAR4	COUNT COL PCT	VAR3			ROW TOTAL
		LCA	SEXUAL I MMORALIT	HIWAY&TR AFFIC	
		1	2	8	
MALE	1	386 75.0	7 20.6	159 91.9	552 76.5
FEMALE	2	129 25.0	27 79.4	14 8.1	170 23.5
COLUMN TOTAL		515 71.3	34 4.7	173 24.0	722 100.0

As noted above, a smaller sample of cases was selected to obtain information pertaining to the offense profiles of status offenders. Five percent of the cases were sampled for each year from 1950 - 1975. Although this sample is small, comparison of the 5% sample with the total population statistics in terms of the variables age, sex, specific status offense and disposition indicated that this sample was representative of the total status offense population. Two other variables were selected to provide demographic information pertaining to status offenders; ethnic origin and religion. However, this information was documented in only 17 cases of a total sample of 130. Most of these 17 cases were from 1950 and 1960. Therefore, these two descriptive variables were excluded from the analysis.

Table 10 indicates that in 1950 the complainant was a parent in over fifty-five percent of the sample cases. Looking at the relationship between complainant and specific status offense, parents were the complainants in 89% of those individuals charged with incorrigibility (Table 11). Further in the cases where the parent was the complainant, the juvenile was living in a single parent family situation. These findings suggest that in 1950 the juvenile courts were used by parents as a means to control their recalcitrant children. This practise seems to have stopped as early as 1960. As Table 11 indicates in 1970 and 1975 only the police are named as complainants on the Information and Complaints. This may reflect a procedural change within the juvenile justice system or a change in the specific type of status offenses being formally sanctioned in the juvenile courts in the latter years.

TABLE 10
COMPLAINANT FOR STATUS OFFENDERS
1950-1975

COUNT ROW PCT	CMPL						ROW TOTAL
	PARENTS 1	PRIVATE CITIZEN 2	POLICE 3	SCHOOL 4	PROBATIO N 5	SOCIAL W ORKER 6	
50	10 55.6	1 5.6		2 11.1	5 27.8		18 14.1
60	1 4.0		1 4.0	4 16.0	18 72.0	1 4.0	25 19.5
66	2 8.0		23 92.0				25 19.5
70			25 100.0				25 19.5
75			35 100.0				35 27.3
COLUMN TOTAL	13 10.2	1 .8	84 65.6	6 4.7	23 16.0	1 .8	128 100.0

TABLE 11
SPECIFIC STATUS OFFENSE BY COMPLAINANT

STATOF	COUNT ROW PCT	CMPL						ROW TOTAL
		PARENTS 1	PRIVATE CITIZEN 2	POLICE 3	SCHOOL 4	PROBATIO N 5	SOCIAL W ORKER 6	
LCA	1			53 86.9		8 13.1		61 47.7
SEX IMM	2	1 5.6		7 38.9		10 55.6		18 14.1
INCORRIGIBILITY	3	8 88.9	1 11.1					9 7.0
TRUANCY	4			1 11.1	6 66.7	2 22.2		9 7.0
HTA	6			17 94.4		1 5.6		18 14.1
RUNAWAY	7	4 80.0		1 20.0				5 3.9
2 OF ABOVE	9			5 62.5		2 25.0	1 12.5	8 6.3
COLUMN TOTAL		13 10.2	1 .8	84 65.6	6 4.7	23 18.0	1 .8	128 100.0

In order to provide a description of the offense histories of status offenders, data were collected pertaining to both the total number of Information and Complaints in each juvenile file sampled and the percentage of the total Informations and Complaints which consisted of status offenses. These data were collected in order to determine if status offenders were in any way unique from the general population of juvenile delinquents. That is, was there a population known as 'Pure' status offenders? The variable 'total number of charges laid' was collapsed into four descriptive categories; single event (only one I+C in file), minor offender (two to four I+C's in file),

serious offender (five to ten I+C's in file), and chronic offender (eleven and over I+C's in file). The percentages of each of these categories are presented in Table 12 below.

TABLE 12
OFFENSE HISTORY
1950 - 1975

COUNT ROW PCT	HIST				ROW TOTAL
	SINGLE EVENT	1 FENDER	2 OFFENDER	3 SERIOUS OFFENDER	
	1.00	2.00	3.00	4.00	
50	9 45.0	9 45.0	2 10.0		20 15.4
60	5 20.0	13 52.0	4 16.0	3 12.0	25 19.2
66	11 44.0	8 32.0	4 16.0	2 8.0	25 19.2
70	10 40.0	9 36.0	5 20.0	1 4.0	25 19.2
75	5 14.3	7 20.0	19 54.3	4 11.4	35 26.9
COLUMN TOTAL	40 30.8	46 35.4	34 26.2	10 7.7	130 100.0

There was a definite pattern of change between 1950 and 1975 in terms of the total numbers of offenses in the status offenders court files. As shown in Table 12 in 1950, 1960, 1966, and 1970 the majority of status offenders had four or less court contacts. In contrast, in 1975 the juvenile courts were dealing with a more serious offender. It is important to note, however, the percentages of status offenders who had only one contact with the courts. In this sample 'single event' status offenders comprised over forty percent of youth charged in three of the five years examined.

A second variable was used to provide descriptive

information of status offender offense histories. Did status offenders commit only status offenses or did they commit a mixture of delinquencies one or some of which were status offenses. As shown in Table 13, in 1950, 1960, and 1966 the majority of those juveniles sampled were 'pure' status offenders (55%, 44% and 60% respectively). In contrast, in 1970 and 1975 status offenses comprise thirty-one to fifty percent of the total offenses in over forty percent of the sample.

TABLE 13
PERCENT STATUS OFFENSES OF TOTAL CHARGES IN FILE
1950 - 1975

COUNT ROW PCT	TOTALST						ROW TOTAL
	1 TO 10% OF TOTA -20	11 TO 30 % OF TOT 1	31 TO 50 % OF TOT 2	51 TO 70 % OF TOT 3	71 TO 99 % OF TOT 5	PURE STA TUS OFFE 6	
50		1 5.0	2 10.0	6 30.0		11 55.0	20 15.4
60		1 4.0	5 20.0	7 28.0	1 4.0	11 44.0	25 19.2
66		1 4.0	4 16.0	5 20.0		15 60.0	25 19.2
70		1 4.0	2 8.0	12 48.0		10 40.0	25 19.2
75	1 2.9	2 5.7	11 31.4	14 40.0	1 2.9	6 17.1	35 26.9
COLUMN TOTAL	1 .8	6 4.6	24 18.5	44 33.8	2 1.5	53 40.8	130 100.0

In 1975 'pure' status offenders comprised only seventeen percent of the sample. This result may be explained by the fact that the courts were dealing with a different type of status offender in 1975; males who commit predominantly liquor and driving offenses along with other delinquencies.

The 'order in which the status offense occurred' was also examined in order to address the premise that status offenses are indicators of more serious delinquencies to follow. As the literature had indicated, this was one of the primary reasons for the inclusion of the category of status offense in the Juvenile Delinquents Act. Given the large percentages of 'pure status' offenders, it is not possible to determine whether a clear pattern exists in terms of when in a juvenile's offense history a status offense occurs. However, comparing the first and last offense categories it is clear that a status offense is the first offense much more commonly than the last with the exception of 1975 where the differential is only 8.6% between these two orders of occurrence.

In order to clarify some of the ambiguity in the quantitative data, the interviews also explored the question of whether status offenders were a distinct and separate type of delinquent. According to those individuals working in the juvenile system in the later years (1970-1984) the distinction between status and other delinquencies was blurred. According to the admission co-ordinator of an institution which housed both status offenders and other delinquents:

I think you get a lot of crossover. When I came here [Seven Oaks] in 1979, a lot

of the kids I worked with I had seen at M.Y.C. They were in both systems. I don't know how many pure status offenders we had here. Status offenders do commit the occasional minor offense when on the street.

This commentary also addresses the question of which social control systems dealt with this category of deviance prior to 1984. In order to identify the social control systems in which status offenders were found, interviews were conducted with representatives from the following organizations;

- 1) Knowles Centre for Youth
- 2) Childrens Home of Winnipeg
- 3) MacDonald Youth Services
- 4) Manitoba Youth Centre
- 5) Manitoba Adolescent Treatment Centre
- 6) Marymound
- 7) Child and Family Services Eastern (New Facess)
- 8) Seven Oaks Centre for Youth

All of the individuals interviewed identified 'reasons for referral' which could have been labeled status offenses. Behaviors such as running away from home, self destructive acts such as drug and alcohol abuse, school refusal, prostitution, and general 'out of control' behavior were common to youth receiving services in all of the above listed organizations. It became apparent in the interviews that as the distinction in offense profiles of status offenders became less apparent in the late 1970's so did the question of which social control systems provided services to these youth. The most consistent comment from officials from all three systems sampled was the

lack of clarity in terms of the clientele they provided services to. For example, a juvenile court judge commented;

There was such a fine line between child welfare and criminal behavior. A child on the run might come before me on theft. I would look at the matter and see that in effect it is not the criminal behavior that I have to deal with, I have to deal with the child welfare aspect. These are children who have to be plugged into some sort of child welfare system. I would use the jurisdiction that I had at the time to make the child a ward of an agency. I would use the child welfare system to deal with criminal behavior. Criminal behavior is such bad terminology, but that's what it was, technically.

It is apparent from the above commentary that the 'traditional status offenses' came to be perceived as Child Welfare issues. In exploring specifically where in the three systems the status offender population could be found it was determined that a system shift occurred in the mid- to late seventies. From 1940-1965 the juvenile justice system was the predominant system for the status offender population. This is supported in the quantitative analysis which measured the extent of involvement with other systems in the case histories sampled. Table 14 indicates that in 1950 eighty-five percent of the sample had involvement with only the juvenile courts.

TABLE 14
OTHER SYSTEM INVOLVEMENT
1950 - 1975

COUNT ROW PCT	SYST						ROW TOTAL	
	CHILD WELFARE	WE ALTH	MENTAL HEALTH	H OTHER	NONE	SCHOOL		MORE THAN 2 OF A 6
50			1 5.0	1 5.0	17 85.0	1 5.0	20 15.4	
60	1 4.0	7 28.0	3 12.0	2 8.0	8 32.0	2 8.0	26 18.2	
66		10 40.0		1 4.0	14 56.0		25 18.2	
70		4 16.0			20 80.0	1 4.0	25 18.2	
75		15 42.9			20 57.1		35 26.8	
COLUMN TOTAL	1 .8	36 27.7	4 3.1	4 3.1	78 60.8	4 3.1	2 1.5	130 100.0

During this time period it is extremely difficult to distinguish between the population of youth in the Juvenile Justice and the Child Welfare systems given the fact that most services and facilities for youth made no separation between these two groups. According to the representatives from juvenile corrections interviewed, in the earlier time periods [1940-1960] status offenders were most commonly 'sentenced' to detention facilities for delinquents. These youth were found in institutions such as Manitoba Home for Girls and Manitoba Home for Boys. Specifically:

The status offenders were being dealt with under the J.D.A. and were being dealt with at Seven Oaks Centre [formerly Manitoba Home for Girls] which was a J.D.A facility and were being dealt

with at Agassiz [formerly Manitoba Home for Boys] as well as some private agencies which were a little less clearly defined but were more or less dealing with the same kind of kids like Marymound, certainly Knowles Home for Boys had that incorrigible, hard to manage kind of kid. These were the most predominant ones. There was another St. Josephs..an awful place.

Not surprisingly, the rationale provided during the interviews was the same as that provided in the literature on the 'child saving movement';

The kids were lumped together with juvenile delinquents. I think this was mainly done under the belief that they were just on the cusp of committing delinquencies and were very similar in terms of what their needs were.

The interviews with professionals working in corrections confirmed that this was the predominant social control system for status offenders until the 1970's. When questioned as to the reasons for admission of youth to these facilities in 1940 -1960 the following comments was made;

I read the old charts from Seven Oaks going back when it was under the authority of the Attorney General before it was Child Welfare and all the girls coming in consistently were charged with sexual immorality, ridiculous things like that.

The present Director of Agassiz Centre for Youth went through the archival admission records in order to address this question. He described some of the reasons for admission;

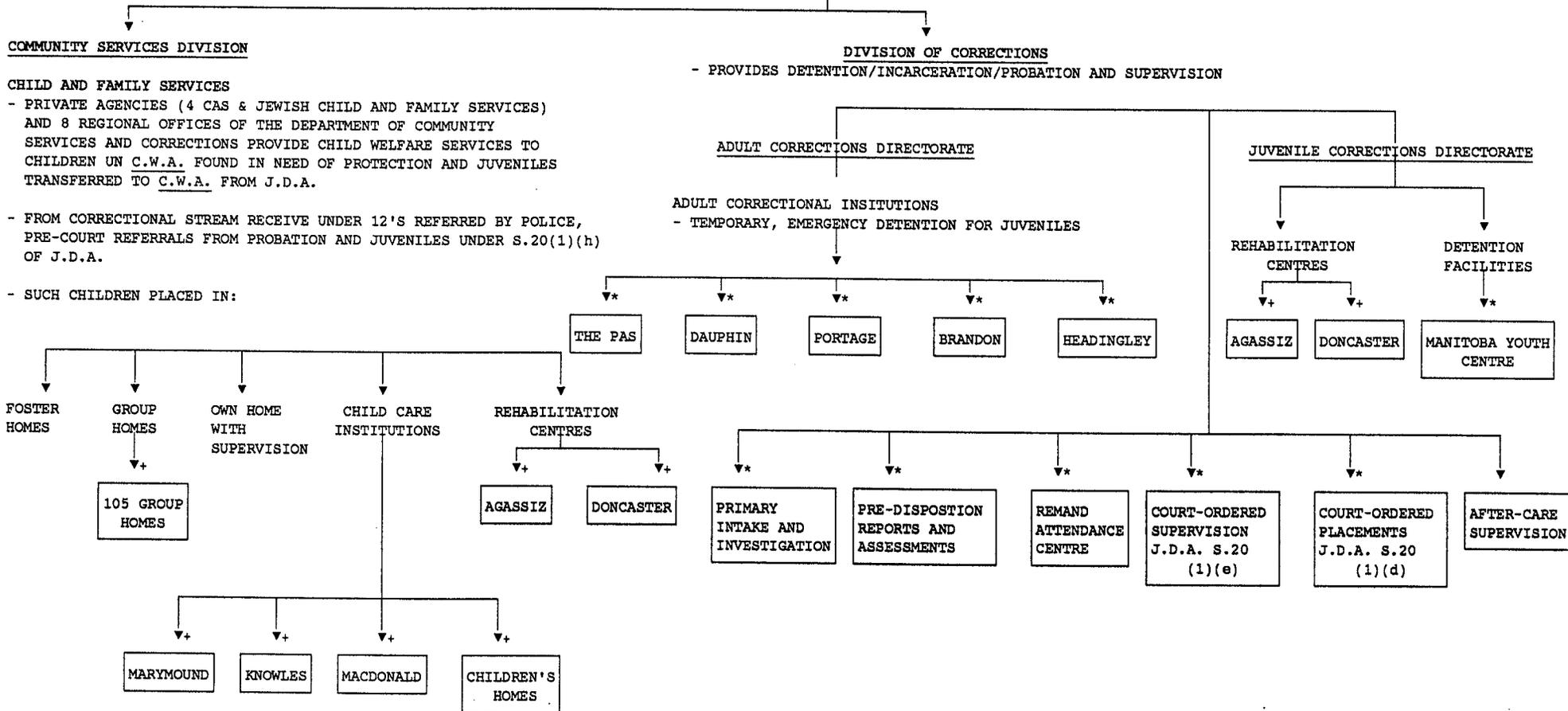
Historically, one kid was put in for his propensity to hang around street corners and smoke cigarettes. Others were put in for refusal to stay at home, those types of behaviors.

The interviews also explored when the juvenile correctional system stopped dealing with status offenders as juvenile delinquents. Their responses confirmed the findings from the court records analysis. "The breaks really started to go on somewhere between 1970 and 1975". Evaluating the extent of system shifting which occurred during this time frame was an onerous task given the fact that most of the facilities examined had in fact been correctional or both correctional and child welfare during the sixties and seventies. Diagram 1 outlining the Delivery of Services of the Department of Community Services and Corrections, demonstrates the extent of 'blurring' of boundaries between corrections and child welfare.

DIAGRAM 1

DELIVERY OF SERVICES

DEPARTMENT OF COMMUNITY SERVICES AND CORRECTIONS (1980)



+ Services and facilities shared by juvenile offenders and child welfare cases

* Services and facilities for juvenile offenders

The interviews with representatives from the Mental Health system indicated that psychiatric services did not exist in Manitoba for the adolescent population until the late 70's. A number of professionals interviewed suggested that had these services been available they would have been appropriate for a number of those youth labeled status offenders. One individual described the situation in Manitoba:

Mental Health services for kids have been limited to hospital systems and the hospital settings would have been around only since early 1971-1972. There were no mental health services for kids in the community until 1975-1976. There was nothing before that, so they would have ended up in the adult system or just wouldn't have been referred and would end up in the child welfare or correctional system.

The interviews with professionals working in corrections and child welfare confirmed that they had a large number of youth who were 'incurable' or 'out of control' who they felt would have been better served in a mental health facility. However, when Manitoba Adolescent Treatment Centre was opened in 1984 they too dealt with the issue of 'out of control' youth who would have been more appropriately served in the child welfare system. It became apparent that the population of youth exhibiting behaviors at one labeled status offenses, was a population that none of the systems felt equipped to provide service or treatment. It became evident while

conducting the interview component of this research that it was not possible to address the issue of system shifting without first considering the concept of relabeling. Relabeling did in fact prove to be a precursor to system shifting. Therefore, further discussion of the social control systems for status offenders and subsequent changes must first address Question 2.

QUESTION TWO

What has happened to the population of youth previously labeled status offenders? Were status offenders 'reabeled'? If so, at what point in time did this process occur?

The findings from the descriptive analysis of the Archival data suggest that a process of relabeling status offenders did occur between 1945 and 1975. Table 2 shows that although the representation of the category status offense remained stable over the time period analyzed, particular charges ceased to exist in the court dockets beginning in 1970. The juvenile courts decided at this time that particular behaviors such as sexual immorality were not behaviors which should be sanctioned by law. What then happened to the runaways, truants, incorrigibles, sexually immoral? As noted earlier, the juvenile court judges interviewed stopped using the legal jurisdiction in the Juvenile Delinquent Act pertaining to sexual immorality or 'similar form of vice' which encompassed most of the specific status

offenses in question. (Liquor and highway traffic offense laws still exist). One of the judges stated:

We didn't use it. We discouraged the police from laying this charge because it was nonsensical if you know what I mean. These are not criminal matters they're welfare matters and you don't bring welfare matters, at least like these, into court.

Those behaviors exhibited by status offenders came to be regarded as 'child welfare matters'. This relabeling was consistently reported to have occurred in the early seventies. However, the courts did not at this point abdicate responsibility for these youths, they simply utilized a different arm of the law to reach them. Youths who were running away from home, living off the streets, or who were incorrigible in their home were relabeled 'children in need of protection' under The Child Welfare Act or 'in need of supervision' under Section 20(1) of the J.D.A and transferred to Child Welfare. As Figure 1 indicates these youths were placed with delinquent offenders. Therefore although the process through which they arrived in a particular social control system may have been altered, they still continued to be housed with 'delinquents'. The individuals interviewed in each system spoke to the issue of mixing of child welfare cases and juvenile delinquents. A representative of the mental health system had previously worked in child welfare during this time. She explained:

Prior to M.Y.C being built there was a lot of discussion about what we were going to do with the School for Girls but when they were building the Youth Centre they made a conscious decision to make that split. That would have been the early 70's and it was around the issue of not holding child welfare kids in a correctional setting.

Those advocating the separation of these youths from corrections were primarily professionals working within this system. The former Director of Child Welfare explained;

My sense of it was that there was an individual who was the Director of Juvenile Corrections at the time who firmly believed that it was wrong to lock these children up with offenders. And he had the support of a number of judges.

This was confirmed by the judges interviewed . Once again the rationale given spoke to humanitarian concerns;

One of the problems we found (myself and other judges) was that the Youth Centre represented to everybody something different. There was welfare children and delinquent children and we fought like hell for a long time to say they should not be housed together. How can you look at a welfare kid and a delinquent and make no distinction and then say you are going to treat them.

In December of 1979 Seven Oaks Centre for Youth [formerly Manitoba Home for Girls] ceased to operate as a part of the Juvenile Corrections System and became, instead, a 'Place of Safety' for children detained under

the Child Welfare Act. An individual working at Seven Oaks during this time explained that although the system changed, the population at Seven Oaks remained the same. Prior to 1978 a large number of the clients referred to this institution were status offenders. For example "the girls that we got were more just girls who couldn't be the contained at home, running away that type of thing." She described the process of relabeling which occurred with this population. Specifically;

Before 1978 they came to us through the juvenile court system. They were sentenced here. After December 1979 similar kids came to us though the child welfare system. I really haven't seen a great change in the types of kids we're dealing with.

As a result of this relabeling a system shift occurred. These changes made little difference in terms of the services available to status offenders. The problem was essentially redefined and a large population of youth were transferred from one system to another. Individuals working in both Corrections and Child Welfare related similar effects;

They made Seven Oaks a child welfare resource as opposed to a J.D.A. resource and they moved some staff. People just felt like it was like moving deck chairs on the Titanic. The kids were just the same and nothing really changed.

Although the population at this institution remained virtually the same, the decrease in the population at Manitoba Youth Centre resulted in a significant increase in the numbers of youth now serviced by the child

welfare system. Ironically, the issue of mixing different populations of deviant youth became a problem for child welfare professionals to resolve;

We really didn't think at that point we would get any of the kids that were incorrigible, hard to manage, had assault charges..we thought that we would get those poor kids that had nowhere to go and we did get those kids but mixed together with them were the hard core kids. We had everything that they just couldn't put anywhere else. It was a real catch-all.

The Admissions Co-ordinator of Seven Oaks explained that their facility became a large receiving home for children who were " behaviorally disturbed to kids who were definitely mental health cases." This is were a large population of youth who had at one time been labeled status offenders were now to be found. It becomes evident at this point that the impact of these processes of relabeling and system shifting did little to change the structures and processes available to status offenders in any positive way. Although the incentives to provide better treatment to these youth may have been admirable, in reality nothing changed other than the abuses were no longer occurring in corrections. A child welfare official explained;

There was absolutely no change in terms of the attitude of people who worked with them. What they found was whereas now they could no longer place in the detention centre on these sort of things [status offenses] all you had to do was convince somebody somewhere that your kid was at risk and once again ...she's prostituting

that puts her at risk..different title,
same location, same placement. It made
no difference at all who was running the
show.

A second form of relabeling was identified through the interviews. In this case the relabeling did occur as a result of the implementation of the Young Offenders Act. It was the Y.O.A.'s removal of judicial jurisdiction to make youth appearing in court wards of child welfare (J.D.A. Section 20(1)) which had the most dramatic impact on those youth formerly called status offenders. Upward relabeling occurs when youth who previously would have been adjudicated status offenders are redefined as criminal offenders. As discussed, after 1970 most of the traditional status offenses were labeled 'child welfare cases'. However judicial intervention was maintained to order child welfare involvement with youth committing status offense behaviors. With this option removed the judges interviewed described the upward relabeling which occurs with this population;

We've got the same number of kids, their
exactly the same, but now since we've
eradicated child welfare-status offenses
we haven't cured crime- we simply are
going to charge them.

In discussions with the juvenile court judges interviewed it became apparent that the doctrine of *parens patriae* was still operating in the Manitoba courts. This became most apparent in terms of their approach to status offense behaviors. Although these youths were no longer formally charged with status

offenses, it was often these behaviors which were being considered in the dispositions for their delinquencies. That is, children appearing in court for criminal activities were being found in need of protection and were then made wards of Children's Aid. With this jurisdiction removed those youth exhibiting status offense behaviors often received a more punitive disposition under the Y.O.A. The judge explains the process of "doing through the back door, what I can't do through the front";

If I have a young person today on an offense and I look into the background and he or she is on the run, beyond the control of parents, out of school and there is no agency involved I no longer have the jurisdiction to make that child a ward of a children's agency, I might say open custody, hoping that we're going to plug him/her and the family into some sort of program.

It is important to note that this type of relabeling only effects those youths who have committed both criminal offenses and status offense behaviors. Therefore those youths who have been described as 'pure status offenders' could not be subject to 'upward relabeling'.

3.3 QUESTION THREE

What dispositions did status offenders receive?
What was the extent of institutionalization/
detention?

Addressing this question involved the most comprehensive analysis of the quantitative data. Rather than simply reporting the dispositions utilized for status offenders, further analysis was completed in order to determine the associations between the variable 'disposition' and various predictor variables.

Table 15 indicates the complete range of dispositions given to status offenders for the years 1950 through 1975. The first category, 'nonpunitive' disposition includes the following dispositions; adjourned sine die, charge stayed, charge dismissed, charge withdrawn, disposition suspended and reprimand. As is indicated, this is clearly the most commonly used disposition.

TABLE 15
DISTRIBUTION OF PRIMARY DISPOSITIONS

VAR6 PRIMARY DISPOSITION

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
NON-PUNITIVE	1	1060	50.1	50.1	50.1
PROBATION	3	309	14.6	14.6	64.7
FINE	4	478	22.6	22.6	87.3
PROB & FINE	5	15	.7	.7	88.0
INST COMMITT	6	109	5.2	5.2	93.1
TRANSF CHLD WLFR	7	37	1.7	1.7	94.9
OTHER	8	18	.9	.9	95.7
DRIVING SUSPEN	9	90	4.3	4.3	100.0
		-----	-----	-----	
TOTAL		2116	100.0	100.0	

Table 16 describes the dispositions utilized for each of the years from 1950 through 1975. Consistent with the frequency distributions in Table 15, the category 'non-punitive' remains the most frequently applied disposition for all years. These findings suggest that for the years examined, a status offense was generally regarded to be a minor offense as demonstrated by the non-punitive dispositions. Examination of Table 16 does demonstrate some interesting patterns occurring in regards to status offense dispositions. From 1950 to 1975 the percentage of non-punitive dispositions increases from 33% to 57%. This reflects the discussion with correctional officials which outlined the increasing lack of seriousness with which status offenses were regarded. This point is further demonstrated in examining the use of institutionalization for status offenses. In 1950 institutional commitment was utilized for 29% of the status offenses. By 1975 this disposition was virtually non-existent, only 1% of the status offenders received this disposition. Based on this information alone, one may conclude that the rate of institutionalization for these youth has been reduced drastically. However, as the interviews revealed, Manitoba continues to have the highest rate of institutionalization for both adolescents and adults. The system which

institutionalizes the status offending youth changed from corrections to child welfare. Therefore, based on Table 16 it is only possible to conclude that the rate of institutionalization for status offenses decreased in juvenile corrections from 1950 to 1975.

TABLE 16
PRIMARY DISPOSITION
1950 - 1975

VAR6	COUNT COL PCT	VAR2					ROW TOTAL
		50	60	66	70	75	
NON-PUNITIVE	1 33.3	34 33.3	116 34.8	213 47.0	306 60.5	409 56.6	1078 50.9
PROBATION	3 29.4	30 29.4	53 15.9	68 15.0	79 15.6	79 10.9	309 14.6
FINE	4 4.9	5 4.9	107 32.1	143 31.6	106 20.9	132 18.3	493 23.3
INST COMMITT	6 29.4	30 29.4	45 13.5	20 4.4	6 1.2	8 1.1	109 5.2
TRANSF CHLD WLFR	7 2.9	3 2.9	12 3.6	9 2.0	6 1.2	7 1.0	37 1.7
DRIVING SUSPEN	9 4.3				3 .6	87 12.0	90 4.3
COLUMN TOTAL		102 4.8	333 15.7	453 21.4	506 23.9	722 34.1	2116 100.0

Also included in the analysis of disposition was an examination of the relationship between gender of the status offender and the disposition received. Table 17 displays some distinctions between the gender composition for particular dispositions. For example, males comprise the majority of status offenders

receiving non-punitive dispositions, fines, probation, and driving related dispositions. This is not surprising given the fact that males are overrepresented in the total population of status offenders. However, females comprise 65% of those youth who received a disposition of institutional commitment and 57% of those youth who were transferred to the child welfare system as a result of their status offense. These findings indicate that although females are less likely to offend, females receive more intrusive dispositions. The results indicate that the relationship between the sex and disposition was statistically significant (Chi-square=238 p=.0000)

TABLE 17
SEX BY PRIMARY DISPOSITION

VAR4	COUNT COL PCT	VAR6						ROW TOTAL
		NON-PUNI TIVE	PROBATIO N	FINE	INST COM MITT	TRANSF C HLD WLFR	DRIVING SUSPEN	
		1	3	4	6	7	9	
MALE	1	658 61.0	179 57.9	449 91.1	38 34.9	16 43.2	80 88.9	1420 67.1
FEMALE	2	420 39.0	130 42.1	44 8.9	71 65.1	21 56.8	10 11.1	696 32.9
	COLUMN TOTAL	1078 50.9	309 14.6	493 23.3	109 5.2	37 1.7	90 4.3	2116 100.0

Table 18 describes the primary dispositions for the various age groups. Generally, the pattern which is apparent upon examination of Table 18 is that the younger status offenders receive more intrusive

dispositions. For those youth who were institutionalized 28% were fourteen years of age. Similarly, 27% of those youth transferred to child welfare were fourteen years old. This is consistent with Carter's (1979) findings which reported that age was a significant predictor of disposition for status offenses. Findings in this crosstabulation indicate that the association between age and disposition is statistically significant (Chi-square 472 p=.0000).

TABLE 18
AGE BY PRIMARY DISPOSITION

VAR5	COUNT COL PCT	VAR6						ROW TOTAL
		NON-PUNI TIVE 1	PROBATIO N 3	FINE 4	INST COM MITT 6	TRANSF C HLD WLFR 7	DRIVING SUSPEN 9	
12 & under	12	30 2.8	6 1.9	1 .2	4 3.7	6 16.2	1 1.1	48 2.3
	13	60 5.6	23 7.4	6 1.2	6 5.5	8 21.6	4 4.4	107 5.1
	14	119 11.0	50 16.2	31 6.3	31 28.4	10 27.0	9 10.0	250 11.8
	15	240 22.3	85 27.5	83 16.8	29 26.6	3 8.1	66 73.3	506 23.9
	16	271 25.1	82 26.5	121 24.5	26 23.9	6 16.2	4 4.4	510 24.1
	17	354 32.8	61 19.7	248 50.3	12 11.0	3 8.1	6 6.7	684 32.3
	18	4 .4	2 .6	3 .6	1 .9	1 2.7		11 .5
	COLUMN TOTAL	1078 50.9	309 14.6	493 23.3	109 5.2	37 1.7	90 4.3	2116 100.0

Finally, Table 19 displays the primary dispositions in relation to the specific status offenses. The findings

indicate that the majority of youth who received non-punitive dispositions had committed underage drinking offenses. Furthermore, of those youth who received a fine or probation as a disposition the majority had

TABLE 19
SPECIFIC STATUS OFFENSE BY PRIMARY DISPOSITION

VAR3	COUNT COL PCT	NON-PUNI	PROBATIO	FINE	INST COM	TRANSF C	DRIVING	ROW TOTAL
		TIVE 1	N 3	4	MITT 6	HLD WLFR 7	SUSPEN 9	
LCA	1	701 65.0	164 53.1	441 89.5	20 18.3	13 35.1	8 8.9	1347 63.7
SEXUAL IMMORALIT.	2	172 16.0	61 19.7	3 .6	38 34.9	8 21.6		282 13.3
INCORRIGIBILITY	3	29 2.7	30 9.7	3 .6	14 12.8	5 13.5		81 3.8
HABITUAL TRUANCY	4	71 6.6	31 10.0		22 20.2	7 18.9		131 6.2
UNMANAGEABILITY	5	15 1.4	8 2.6	1 .2	12 11.0	3 8.1		39 1.8
RUNNING AWAY	6	4 .4	1 .3		1 .9			6 .3
HIWAY&TRAFFIC	8	86 8.0	14 4.5	45 9.1	2 1.8	1 2.7	82 91.1	230 10.9
COLUMN TOTAL		1078 50.9	309 14.6	493 23.3	109 5.2	37 1.7	90 4.3	2116 100.0

committed underage drinking offenses as well. These findings suggest that the liquor offenses are regarded as the least serious of the status offenses. Finally, 35% of those youth who received the most intrusive disposition; institutional commitment, had committed "sexual immorality". These findings are consistent with

the results of the cross-tabulations of sex and disposition and year of offense and disposition. The relationship between the specific status offense and disposition was found to be statistically significant (Chi-square=1071 Cramer's V=.31 p=.0000).

Discriminant function analysis was utilized to examine the associations between the independent variables sex, age, year of offense, and specific status offense, and the dependent variable primary disposition. Examination of Table 20 indicates that as a result of the discriminant analysis, the percent of cases correctly classified is 38.4%. These findings suggest that there are other predictor variables not included in this analysis which may have a more significant impact on the dispositions received by status offenders. The findings from Kueneman and Linden's study on factors affecting dispositions in Winnipeg juvenile court indicate that the variables with the greatest effect on judicial decision making are legal variables such as severity of the offense and offense history (1983;235).

The correct predictions for each dispositional category are indicated in Table 20 by the diagonal percents from 25.1% to 91.9%. The number above each percentage indicates the actual number of cases predicted to have that group membership. The discriminant analysis was

most accurate in predicting the number of status offenders to receive the driving related dispositions (91.1%) and was least accurate in predicting the number of cases which received probation.

TABLE 20
CLASSIFICATION RESULTS

ACTUAL GROUP	NO. OF CASES	PREDICTED GROUP MEMBERSHIP					
		1	3	4	6	7	9
GROUP 1 NON-PUNITIVE	1078	271 25.1%	39 3.6%	432 40.1%	94 8.7%	147 13.6%	95 8.8%
GROUP 3 PROBATION	309	62 20.1%	16 5.2%	92 29.8%	65 21.0%	58 18.8%	16 5.2%
GROUP 4 FINE	493	37 7.5%	16 3.2%	364 73.8%	15 3.0%	19 3.9%	42 8.5%
GROUP 6 INST COMMITT	109	9 8.3%	5 4.6%	10 9.2%	61 56.0%	22 20.2%	2 1.8%
GROUP 7 TRANSF CHLD WLFR	37	4 10.8%	1 2.7%	5 13.5%	6 16.2%	20 54.1%	1 2.7%
GROUP 9 DRIVING SUSPEN	90	2 2.2%	0 0.0%	6 6.7%	0 0.0%	0 0.0%	82 91.1%

PERCENT OF "GROUPED" CASES CORRECTLY CLASSIFIED: 38.47%

This analysis also examined the contribution of each independent variable to the accuracy of the discriminant analysis classifications. The discriminant function coefficient was used to assess the importance of each specific variable. The coefficients for the first

function are the most important (Hedderson,1987;133) As shown in Table 21, the variable with the largest effect on disposition was 'specific offense', followed by 'year of offense' and 'age'. The variable with the smallest effect on disposition was 'sex'. This finding is supported by Carter (1979) who found that this variable did not contribute to the predictive success of the discriminant function analysis.

TABLE 21

STANDARDIZED CANONICAL DISCRIMINANT FUNCTION COEFFICIENTS

	FUNC 1	FUNC 2	FUNC 3	FUNC 4
VAR2	0.45086	0.31520	0.85506	-0.07402
VAR3	0.96120	-0.19484	-0.38889	0.30529
VAR4	-0.02187	-0.61819	0.52940	0.61847
VAR5	0.25451	0.55976	-0.23478	0.87810

Finally, three statistics were utilized to evaluate the worth of the discriminant analysis. An eigenvalue above 0.40 is considered excellent, whereas an eigenvalue of 0 indicates that the discriminant analysis has no discriminating value (Hedderson,1987). As is shown in Table 22, the eigenvalue for Function 1 is .39. The canonical correlation, indicated in the fifth column of Table 22 is the measure which indicates how well each function discriminates between groups on a scale ranging from 0.0 to 1.0. As is indicated this correlation is relatively high for functions 1 and 2.

The last statistic examined was Wilks' lambda which is used to measure the discriminating power of the model. In this case, the lower the Wilks' lambda the better the discriminating power. As is shown in Table 22, the lambda of .53 is interpreted to mean that differences between groups account for 47% of the variance in the predicting variables.

TABLE 22

CANONICAL DISCRIMINANT FUNCTIONS

FUNCTION	EIGENVALUE	PERCENT OF VARIANCE	CUMULATIVE PERCENT	CANONICAL CORRELATION	: AFTER FUNCTION	WILKS' LAMBDA	CHI-SQUAR
					:	0	
1*	0.39163	55.43	55.43	0.5304896	:	1	0.5368505
2*	0.20713	29.31	84.74	0.4142350	:	2	0.7470983
3*	0.09729	13.77	98.51	0.2977612	:	3	0.9018468
4*	0.01052	1.49	100.00	0.1020533	:		0.9895851
					:		1312.5
					:		615.19
					:		217.99
					:		22.091

* MARKS THE 4 CANONICAL DISCRIMINANT FUNCTIONS REMAINING IN THE ANALYSIS.

In sum, the results of this analysis indicate that there are other predictor variables for the dependent variable 'primary disposition'. The smaller 5% sample included data pertaining the variables 'offense history', 'complainant', 'other system involvement', and 'percentage of status offenses in offense history'. The inclusion of these variables may have increased the predictive value of the discriminant model. However, due to the size of this sample it was not possible to examine the effects of these variables on the dispositions recieved by status offenders.

3.4 QUESTION FOUR

Has the net of social control widened or narrowed in terms of the systems or services available for youth previously known as status offenders?

This research question was addressed with the qualitative analysis. In order to measure the extent of netwidening or service restriction for youth exhibiting behaviors formerly known as status offenders, the subjects were asked if they felt the services available to these youth were 1) necessary 2) adequate. If their response was negative they were asked to elaborate in terms of the services which were imposed or lacking for these youth. The findings reported in question two and three indicated that the population of status offenders had remained relatively constant - the same youth; different labels, different systems. Therefore the social control systems did not expand to provide more services to more troubled adolescents. Rather, there was simply a shift in the primary system offering services to status offenders. In discussions with individuals working in corrections in the 70's the impetus for this shift was a lack of resources for the entire delinquent population. Specifically;

They put up the Youth Centre around 1970-71-72 and it went nuts. They had all the status offenders in there..kids sleeping on the floor, it was just jammed. Then they decided we are only going to keep kids in here that have committed criminal offenses and only the serious offenses.

Following the process of system shifting which occurred,

child welfare officials related similar descriptions of limited resources. The admission coordinator at Seven Oaks describes the situation from 1979 - 1988;

The numbers started off low and grew quickly. I can remember having eighty kids in here. Thirty kids in a unit which was ready for twenty-two at the most.

Rather than widening or narrowing the net of social control for youth previously known as status offenders, the net was simply changed. The premise upon which this reform was based was that these youths 'child welfare cases' were most 'appropriately' processed in the child welfare system. However, the crucial variable which was overlooked was the determination of how to build-in an infrastructure to accommodate this influx of additional youth to an already overloaded system.

The response of officials in the child welfare system to the problem of system overload was the narrowing of their admission criteria to preclude certain types of deviant youth from utilizing their services. This resulted in three outcomes; 1) Restriction of services for youth exhibiting status offense behaviors 2) Increased pressure on the Mental Health System to provide services where Child Welfare could not 3) More Relabeling. These three processes were identified as having occurred simultaneously during the early to late 1980's. However, it is less confusing to address each

separately.

By specifying the types of behavior which must be displayed to access particular programs and services within child welfare, some youths exhibiting status offense behaviors no longer receive services. The subjects interviewed from institutions that had at one time housed these youths explained that they still had similar types of referrals for youth who had runaway from home, or were out of school, or out of control at home. However, the severity of the presenting concerns has increased as a result of narrowing the admissions criteria. Rather than utilizing a preventative model, a maintenance model is being employed. As one respondent commented, "what happens is you end up with more kids, kind of making do." Those youth who are making do were identified as the former status offender population;

The status stuff, that is the stuff that drives people crazy. Its not enough to break the law, so these kids are being placed in places like Seven Oaks or these kids,-although nobody is saying it, are the ones who are being abandoned.

The services which may be appropriate for some of these youths such as Children's Home, Marymound, MacDonald Youth Services and Knowles Centre have waiting lists which were described as being;

so long as to be ludicrous. What's the purpose of putting a kid on a waiting list if they're saying we might be able to consider them in 8-10 months.

As a result of the limited resources the status offenders who require some form of intervention are subject to 'benign neglect'. As the Director of New Faces explains:

Street kids who are 16 and 17 years old living on the street. If they stay out of our hair we'll stay out of theirs. If they become a problem they'll end up in places like Seven Oaks. Who wants to be locked up? Those are the kids who would have been our old status offenders.

A second process which was identified through the interviews was that some of the youth previously referred to Child and Family Services were referred to the Mental Health system for assistance. However, rather than 'widening the net', the availability of mental health services simply redistributed the population of deviant youth. This becomes evident in the description of present day referrals to mental health;

They had elements of problems in thinking, suicide or depression, or and this is the most common category, 'everybody who had tried to do something and couldn't so they called us--those kids would have a mixed picture they would almost invariably be running, and truancy, or severe school problems, very often self abusive behaviors like prostitution or drugs in addition to other issues going on.

The referral sources to the Mental Health system were identified as predominantly parents, schools, family physicians and day cares. It seems that rather than expanding the services to status offenders, the availability of Mental Health services has simply

shifted some of the youths exhibiting status offense behaviors who were inappropriately referred to other social control systems. Youths who were at one time identified as incorrigible are presently being treated as mental health clients. However, along with the appropriate referrals, this system was also subjected to pressure to alleviate strain on the child welfare system by providing treatment to clients who are behaviorally disturbed rather than psychiatrically ill. Youths exhibiting behaviors such as truancy, incorrigibility, and unmanageability were redefined in mental health terms with the diagnoses Conduct Disorder, School Phobia, and Parent Child Conflict. The system response to this pressure has been to become increasingly specific in terms of the criteria for admission to mental health programs or access to mental health services. This response is of course the same as that which was displayed by corrections and child welfare. As has been implicitly described, concomitant with the restriction of services to youths previously labeled status offenders, is an ongoing process of further relabeling. Relabeling can always be expected to occur in the absence of adequate resources. Professionals will describe the behavior required to access services. As the former Director of Child Welfare explained;

As soon as you start playing with categories and reasons, you set a doorway into a placement and if you set criteria for admissions, they'll

find it.

In other words as the admission criteria changes those requiring access will simply adapt their labels.

3.5 QUESTION FIVE

Did the Young Offenders Act precipitate change in terms of the structures, processes, and systems available to status offenders or did it acknowledge reforms which had already occurred?

In addressing the previous research questions, this question has already been answered. Both the qualitative and quantitative data presented confirm that the Young Offenders Act provided formal acknowledgment to reforms which had occurred ten years previous.

As was discussed previously the examination of the court dockets from 1950-1975 revealed that the juvenile courts stopped using the formal charge of 'status offense' commencing in 1970. By 1975 status offenses on the dockets were almost nonexistent. Those that did appear were consistently adjourned sine die. A juvenile court judge interviewed explained that these changes were made "around 1975 in anticipation of the Young Offenders Act". The Director of Agassiz Centre for Youth also described that the reforms in corrections preceded formal federal legislative acknowledgment;

Corrections essentially went to sleep. Not because it had fewer kids but because the Y.O.A hadn't been declared yet and a lot of the work had been done. There seemed to be a dead period for about four years waiting for the

changes in the Y.O.A.

Similarly the reforms pertaining to this population of deviant youth in the child welfare system were a response to the relabeling of status offenders as child welfare cases. Therefore, when status offenses were divested in 1984 on the premise that they were more appropriately serviced in the child welfare system, this population in Manitoba was not effected. As Table 2 indicates, only the status offenses relating to drinking and driving under age remained after 1970. These charges were included in Provincial legislation and were not effected by the divestiture of federal status offenses. However, as was explained previously, after 1975 until the enactment of the Young Offenders Act in 1984 some of the youth who would have at one time been processed through the courts as status offenders continued to receive informal judicial control through Section 20(1) of the J.D.A. Therefore, it was not the divestiture of status offenses which had the greatest impact but rather the removal of judicial discretion to make youth displaying 'unacceptable' behaviors wards of the child welfare system.

These findings are not remarkable given the literature which indicated that status offenders were no longer in the judicial system in 1984. Given this information it was not expected that the divestiture of status offenses

which occurred in 1984 would have a significant impact. However, it seems that the Y.O.A. in its entirety did succeed in more clearly defining the distinction between criminal behavior and other forms of youthful deviance.

CHAPTER FOUR

SUMMARY AND CONCLUSIONS

This study was concerned with status offenders in Manitoba. The purpose of this research was to describe this population of delinquents and to explore the social control systems which interacted to control and contain status offenders over the past forty years. Given the recent divestiture of status offences from federal juvenile law in 1984, it is important to provide descriptive information of this category of youthful deviance.

The analysis included data collected from archival research and the findings from in-person interviews conducted with fourteen professionals working in the child welfare, corrections, and mental health systems. The original intent of the interview component of the research was to supplement the findings from the quantitative analysis. However, rather than simply providing explanations, these interviews proved to be an invaluable component of the research in terms of the data not available from the juvenile court records or the court dockets. The interviews provided a dynamic understanding of the process of change which occurred in respect to the population of youth at one time labeled

status offenders.

Originally the archival research was to consist of two components. Part one was to provide data for the years 1940 and 1950 and Part two was to provide more detailed data specific to 1960 through 1975. However due to the lack of records specific to Part one in the data from the Manitoba Juvenile & Family Court Records Project it became necessary to rely primarily on the data generated in Part Two. A sample for 1950 was incorporated in Part two of the analysis.

Information regarding status offenders was obtained from the juvenile and family court dockets. Data was collected for the total population of status offenders (n=2116). In addition, 5% of the status offenders in each year was compiled for closer examination of their offense histories. Although this sample cannot be generalized to the overall population of status offenders it does provide some information about status offenders not addressed in other research. In addition to addressing research questions pertaining to demographic descriptions of status offenders, the court dockets reflected changes in judicial philosophies, the specific types of juvenile crime which were prevalent, the dispositions used to sanction particular forms of delinquency, and what other types of crime replaced

status offenses on the dockets.

Specific research questions were formulated in an attempt to provide both descriptive information pertaining to status offenders and information regarding the reforms directed to this population of youth.

The research questions were first addressed using the data from the court docket analysis. The interviews were then utilized to provide explanations to the patterns displayed in the quantitative analysis. Therefore the data from both components of the analysis were presented together in order to describe the data in the most organized comprehensive manner.

The data generated from the first research question provided a description of status offenders prior to 1984. The social control systems which provided services to these youths were also examined. The quantitative analysis described status offenders in terms of the demographic variables age, and sex and the variables pertaining to the juveniles offense history such as; specific status offense, complainant, number of total charges, percentage of total offenses which consisted of status offenses, the order in which the status offense occurred and other social control systems involved with the status offender. With the exception

of the specific status offense, the data pertaining to the offense history for the status offender was gathered on a sample of five percent per year of the total status offender population. Although this is a limitation of the data, a comparison of the five percent sample with the findings from the total population suggested that although small, the sample was representative of the total population in terms of age, sex, specific offense and primary disposition.

It became evident in examining the data from Part 11 of the archival analysis that the population of status offenders changed radically between 1950 and 1975. The status offenses which existed under federal law, namely; sexual immorality, incorrigibility, truancy, running away from home, were virtually eliminated from the juvenile courts by 1975. Interviews with professionals in child welfare and corrections however, indicated that these youth came to be viewed as "in need of protection" rather than punishment and were diverted and redistributed to the child welfare system for services. The docket analysis indicated that with the exception of a very small number of status offenders, the only status offenses appearing in the courts by 1975 were those governed by provincial legislation; drinking and driving under age. In fact, these status offenses still exist and were not effected by the divestiture of status

offenses from federal law.

The data recorded pertaining to the demographic variables are consistent with the findings from U.S. studies. In the 1950 sample, 72% of the status offenders were female. This pattern is completely reversed by 1975 with males representing 77% of the status offender population. Further analysis and exploration of these findings during the interviews indicated that this reversal can be explained by two factors. First, the females were 'shifted' into the child welfare system. Second, the status offenses in 1975 were liquor and driving offenses. Males comprise the majority of youth charged with these offenses. The data indicated that the ages of status offenders did not change in any significant way between 1950 and 1975.

According to the data from the smaller sample on offense history, the status offenders in 1975 were more serious delinquents. That is, 66% were serious or chronic offenders. These data again reflect the change in the types of offenses as well as a change from an early intervention and prevention model to a maintenance model in the juvenile courts. In fact, officials from all of the three systems identified a pattern of increasing severity in referrals. However, given the enormous demand for services and increasingly limited resources,

'prevention' is no longer seen as a realistic alternative.

The analysis demonstrated that a process of relabeling did occur in respect to status offenders. These youth, originally labeled delinquent and processed through the juvenile courts, were relabeled child welfare cases as a result of changes which occurred in corrections and child welfare in 1979. The factors precipitating this relabeling were identified in the interviews as; systems overload in corrections, philosophical enlightenment resulting from the deinstitutionalization movement and fiscal incentives. These precipitants are the same as those identified in status offender reforms in the literature. Furthermore it becomes clear that relabeling is best understood as an ongoing process. Relabeling can be expected to occur whenever there is a situation of limited resources and large numbers of youths requiring services within a system. The responses pertaining to where in the social control system status offenders could be found were consistent with all 14 respondents. The individuals interviewed also gave consistent responses regarding the timeframe when the relabeling from delinquent to child welfare occurred. However, it was much more difficult to establish conclusively from the interviews alone, the labels which are currently being applied to these youths.

The analysis also identified that system shifting did occur with the population of status offenders. As predicted on the basis of the literature review this occurred at the same time as the relabeling. In fact, these two processes can be viewed conceptually as interdependent. That is, there was a need to shift the primary system providing services to status offenders which precipitated the relabeling of these youth. The system shifting occurred as well in 1979 when these youth were transferred from the correctional system to the child welfare system. The interviews suggested that the child welfare system continues to be the primary system for youth exhibiting status offense behaviors.

Data were collected in both components of the archival research pertaining to the primary dispositions received by status offenders and the rate of institutional commitment which occurred for these deviant youths. In contrast to the U.S., these youths did not receive severe dispositions for their 'noncriminal' behavior. Rather the findings reported that the non-punitive dispositions represented the majority for all years examined. This finding was expected, given that status offenses were not perceived by the judges interviewed to be serious offenses.

One unanticipated finding was that the non-punitive dispositions were most commonly applied for all of the status offenses except incorrigibility. This would suggest that the process of being charged and appearing in juvenile court may have been used as a deterrent to discourage adolescents from 'acting out'. However, these data also suggest that there were a significant number of 'pure status offenders' whose offense histories did not warrant more severe dispositions. Closer examination of the relationship between offense histories of status offenders in relation to the disposition received may be a topic for future research.

Overall, the rate of institutionalization was found to be extremely low. Only 5% of the total population received this disposition. As was expected status offenders were institutionalized at a much higher rate in 1950 (29%) than in 1975 (1%). The data from Part 1 of the archival analysis suggests that this rate was even higher in 1940. However, as stated earlier, the 1940 sample was too small to derive conclusive results. This finding may explain why the issue of deinstitutionalization of status offenders from the correctional system was not as prevalent an issue in Canada as it was in the U.S. However, caution should be exercised in concluding that Manitoba was more progressive in terms of their approach to status

offenders. As the interviews revealed, youths committing status offense behaviors were 'locked up' at an extremely high rate. However, these youths were locked up in the child welfare system. However, data which would allow us to look at this question directly are not available.

The results of the multivariate analysis showed that the variables sex, age, year of offense, and the specific status offense did have some predictive value in terms of the primary disposition received. The legal variable "specific status offense" had the largest effect on disposition and "sex" had the smallest effect. Although it was expected that legal variables have a significant effect on disposition, the data generated from the interviews suggested that gender would have a greater effect on sentencing decisions than was reported in this analysis. Overall only 38% of the cases were correctly classified as a result of the discriminant analysis. These findings once again point to the need for further exploration of the effects of other possible predictor variables.

The results of the questions addressing the occurrence of relabeling and system shifting indicated that rather than widening or narrowing the net of social control, the control of youth exhibiting status offense behaviors

was transferred to another system. However, the discussions from professionals in the child welfare system suggest that as a result of diminishing resources in child welfare, those youth exhibiting status offense behaviors may what ell be those who are presently 'falling through the cracks' between systems.

Finally, this research corroborates Osborne's findings that the 'transfer of machinery' for dealing with status offenders occurred well in advance of formal legislative reform in the Young Offenders Act. As was expected based on the literature review, the Province of Manitoba initiated changes independent of federal directives based on the needs of the systems providing services and the apparent inadequacies of the Juvenile Delinquents Act. The reforms of 1979 were said to have occurred 'in anticipation of the Y.O.A'. This analysis served to provide empirical evidence of the fact that the divestiture of status offenders in the Young Offenders Act simply provided legislative acknowledgment of a change which had commenced in Manitoba ten years earlier.

As outlined previously, the primary research objectives were to describe the status offender population as it existed in Manitoba and to provide some explanation regarding the structures and processes available for these youths. The methodologies employed were successful

in generating data pertinent to the specific research questions. However, this research would not be complete without further discussion of the interpretive data which resulted from this project. This research was inductive in that these conclusions were reached after examining the data generated from both components of the research.

This analysis resulted in several conclusions related to both a specific type of youthful deviance and the social definition as well as the response to deviance in the more general sense in Canadian society. Historically our society has sanctioned behaviors such as running away from home, defiance of parental authority, and sexual promiscuity exhibited by adolescents. The systems used to contain, control or attempt to change this behavior have varied over the years as has the severity of the sanctions applied and the degree of societal response given these recalcitrant youth. Nevertheless, this type of deviance continues to be responded to by one or all of the social control systems examined. Therefore, it seems unlikely that these youths are simply helpless victims of well intentioned child savers imposing unnecessary interventions, sanctions, treatment programs and other social services. In many cases, the behaviors demonstrated by status offenders can be viewed as symptomatic of a multiproblematic adolescence. The

behaviors displayed are manifestations of their attempts to express the tragedies in their existence (Leyton, 1979).

The term status offense can be regarded as a social construct used to describe a diverse population of youths. Addressing the question of where these youths were proved to be extremely difficult. The term in and of itself is of little utility in describing the category of deviant youth. The term status offender was demonstrated to be in a constant state of change. The specific status offenses being sanctioned at any given time were a reflection of the morals, values and prevalent social issues at the time in question. Status offenders, originally considered to be pre-delinquent in the 1940's and 1950's, came to be viewed as minor delinquents and finally, as was demonstrated by the docket analysis, not delinquents at all but rather child welfare cases.

Given that this category of deviance has been removed from our juvenile court system, it becomes necessary to present the conclusions pertaining to some of the policy questions which precipitated this research. The individuals interviewed were extremely helpful in providing information leading to these interpretations of the data. The most prevalent question is whether or

not status offenders, as they existed prior to 1984, required services of any kind? The fact that youths exhibiting status offense behaviors have continued to illicit attention and services over the past fifty years in varying forms and under various labels seems to suggest that they required these services at some level. The juvenile court files reflect a pattern that was confirmed in the interviews. Youths exhibiting traditional status offense behaviors fall into primarily two categories. First are those youth whose 'acting out' behavior is best interpreted as reflective of the adolescent maturational process. This was described by one respondent in the following way;

I think at some time we have to recognize in Canada as they did in the U.S. in 1972, that running in adolescence is normal behavior. I think some of that realization has been lost on child welfare.

For these youths the best approach would have been to leave them alone or to provide minimal supports. The early preventative judicial interventions to which they were subject in the 1940's through 1960's were in all likelihood both unnecessary and ineffectual.

For the second category of youths displaying status offense behaviors their actions were often symptomatic of more serious issues. For these youths, behaviors such as school refusal, parental defiance and running away were often followed by a long history of

involvement with the judicial and welfare systems. In the case of these adolescents, the preventative model of early intervention may have been more effective. In short, having examined the profiles and extensive case histories of status offenders from 1950 to present, the extreme complexity of the question of which criminological approach had the 'best fit' for these youths becomes apparent. Inclusion of a general answer would not provide meaningful information. The category of status offenses in federal juvenile legislation was used as a 'catch-all' to intervene, control, and sanction unacceptable behavior. In order to assess the effectiveness of the interventions used to address this behavior, it would be necessary to focus on specific status offenses.

The interviews also led to identification of a pattern, not apparent from examination of the quantitative data alone. Professionals in corrections, child welfare, and mental health all suggested that a significant number of youth who were adjudicated delinquent due to status offenses in the 1940's, 1950's and 1960's or were treated as 'out of control' youth by child welfare professionals may in present day be treated as abuse victims. The behaviors displayed by status offenders such as running away from home, sexual promiscuity, truancy, and incorrigibility have been identified as behaviors displayed by sexually abused children. Once

again we see a redefinition of the same behavior. Youth exhibiting status offense behaviors therefore are in present day circumstances being viewed as victims and receiving treatment rather than punishment. That is, if the resources are available to provide the necessary services. Future research examining in further detail the juvenile and child welfare files may assist in determining what percentage of youth charged with status offenses in the time periods examined were victims of abuse.

Based on this study it is difficult to determine if this population of youth are any better off with the services and processes which exist today. One may argue that these youth would have been in a more advantageous position in the present day juvenile correctional system with procedural safeguards in place to prevent the abuses which are occurring in the child welfare system. In this sense, the reforms which occurred in 1979 pertaining to status offenders may be viewed as retrogressive. However, a comment which was consistently presented by representatives from all three social control systems was that they have become more adept at understanding the causes of deviant adolescent behavior. Nevertheless, the interviewees also shared the opinion that in the case of the population of youth exhibiting status offense behaviors little had really

changed. As one respondent said when asked if the reforms pertaining to status offenses have proven beneficial;

It has always been an irrelevant question, not in the context of the question but in the sense that the only change we've really made is we've changed what we're calling them. I still think the kids that end up in our system are those that are the most visible, did the most outrageous things-- the earliest. To say if they are better off? I don't know..its just looked at differently.

These findings are similar to the findings in the U.S. studies on status offender reforms. The processes of system shifting and relabeling have prevented the reforms from attaining the desired effect. The Director of a Child and Family Services agency said it most effectively 'people will always find new ways to treat kids as they always have'. Although this statement is an oversimplification of a complex question, it does reflect a pervasive sense on the part of the key actors interviewed that we have made little progress in terms of the services available to these youths.

These conclusions point to one final comment concerning social policy and reform regarding status offenders. That is, the reforms of one system cannot occur in isolation from other systems. As was demonstrated in the case of status offenders, youths were shuffled from one system to another to suffer the same abuses. The problem was not solved. It became someone elses

problem. If those individuals involved in policy decisions affecting status offenders were in fact motivated by humanitarian and civil libertarian concerns, one questions why they were content to stop at ensuring only that this population was not abused in their system.

Rather than defining parameters which exclude particular types of deviant youth from receiving services, it is essential that responsibility is taken for providing assistance to those youths in need. In examining the population of status offenders over a forty year period it becomes apparent that we have gone from one extreme, where the lives of adolescents were being controlled to excess, to the other extreme, where youths at risk are being ignored. Perhaps it is now time to achieve some balance.

APPENDIX A
ADJUDICATION & DISPOSITION OUTCOME

FOUND DELINQUENT	01
DISMISSED	02
WITHDRAWN	03
ADJOURNED SINE DIE	04
ADJOURNED SINE DIE WITHOUT PLEA	05
ADJOURNED REPATRIATED	07
STAY OF PROCEEDINGS	08
TRANSFER TO ADULT COURT	11
TRANSFER TO ANOTHER COURT	10
COMMITTAL TO C.A.S	12
REFERRED TO VOLUNTART CLASS	13
REPRIMAND	15
SUSPENDED DISPOSITION	18
PROBATION UP TO 6 MONTHS	19
PROBATION 7-12 MONTHS	20
PROBATION 13-17 MONTHS	21
PROBATION 19-24 MONTHS	22
PROBATION 25+	23
PROBATION INDETERMINATE	24
PROBATION CONTINUED	17
FINE UP TO \$5.00	25
FINE \$6.00 - \$10.00	26
FINE \$11.00 - \$15.00	27
FINE \$16.00 - \$20.00	28
FINE \$21.00 - \$25.00	29
FINE OVER \$25.00	30
MANITOBA HOME FOR GIRLS	31
S.H.J.M (McDonald House)	36
RELEASED HOME	49
MANITOBA HOME FOR BOYS	51
RESTITUTION (UNSPECIFIED)	53
PLACED OR CONTINUED IN FOSTER HOME	54
PERIOD OF INSTITUTIONAL COMMITMENT	
0 - 6 MONTHS	56
7 - 12 MONTHS	57
13 - 18 MONTHS	58
19 - 24 MONTHS	59
25+	60
SUSPENDED DRIVING PRIVILEGE	61
CURFEW	76
RELEASED ON CONDITION OF ATTENDING	
SCHOOL	83
RELEASED TO C.A.S	84
OTHER	85

APPENDIX B CODE SHEET DATA SET I

- 1. BOX NUMBER _/_/_/_/
- 2. FILE NUMBER _/_/_/_/_/_/_/
- 3. AGE _/_/
- 4. YEAR _/_/
- 5. SEX _/_
- 6. COMPLAINANT _/_/
- 7. ETHNIC ORIGIN _/_/_/_/
- 8. RELIGION _/_/
- 9. OTHER SYSTEMS INVOLVED _/_/
- 10. SPECIFIC STATUS OFFENSE _/_/
- 11. TOTAL I+C's in FILE _/_/_/_/
- 12. TOTAL # of STATUS OFFENSES in FILE _/_/_/_/%
- 13. WAS THIS PART OF A SERIES OF RELATED DELINQUENCIES? _/_
- 14. WAS JUVENILE HELD IN CUSTODY? _/_
- 15. DISPOSITION OF STATUS OFFENSE _/_/ _/_/ _/_/

LIST OTHER CATEGORIES OF DELINQUENCIES IN REMAINING I+C's

- 16. AGAINST PERSON ## _/_/
- 17. THEFT OF PROPERTY _/_/
- 18. ALL SEX RELATED _/_/
- 19. ALL DRUG RELATED _/_/
- 20. VANDELISM _/_/
- 21. PUBLIC NUISANCE _/_/
- 22. STATUS OFFENSE _/_/
- 23. HIGHWAY TRAFFIC _/_/
- 24. OTHER CRIMINAL CODE _/_/
- 25. OTHER STATUTES/BYLAWS _/_/
- 26. OTHER STATUS OFF RELATED _/_/
- 27. AT WHAT POINT IN JUVENILES OFFENSE HISTORY DID STATUS OFFENSE OCCUR _/_

APPENDIX C
DATA 1 CODE BOOK

VARIABLE NAME	VARIABLE DESCRIPTION	CODE	CODE DESCRIPTION	CARD	COLUMN
BOX NU	MPA STORAGE-CASES	ABSOLUTE VALUES	1-500	1	1-4
JFNU	JUVENILE FILE NUMBER	ABSOLUTE VALUES	NUMBER ON FILE	1	7-13
AGE	AGE IN YEARS	ABSOLUTE VALUES	AGE STATUS OFFENSE OCCURRED	1	16-17
YR	YEAR OF OFFENSE	ABSOLUTE VALUES	YR. OFFENSE OCCURRED	1	20-21
SX	SEX	1 2	MALE FEMALE	1	24
CMPL	COMPLAINANT	01 02 03 04 05 06 -1	PARENTS PRIVATE CITIZEN POLICE SCHOOL PROBATION SOCIAL WORKER NO INFO IN FILE	1	27-28
ETHN	ETHNIC ORIGIN AS REPORTED ON I&C	1-220	SEE APPENDIX D	1	31-33
REL	RELIGION AS REPORTED ON I&C	1-26	SEE APPENDIX E	1	36-37
SYST	OTHER SYSTEM INVOLVEMENT	01 02 03 04 05 06	CHILD WELFARE MENTAL HEALTH OTHER NONE SCHOOL MORE THAN 2 OF ABOVE	1	40-41
STATOF	SPECIFIC STATUS OFF.	01 02 03 04 05 06 07	L.C.A. SEXUAL IMMORALITY INCORRIGIBILITY HABITUAL TRUANCY UNMANAGEBILITY H.T.A. RUNNING AWAY	1	44-45

08 OTHER
 09 2 of the ABOVE
 10 3 or more of ABOVE

TOTL	TOTAL I&Cs IN FILE	ABSOLUTE VALUES	COUNT OF ALL I&Cs in FILE	1	46-47
TOTLST	TOTAL STATUS OFFENCES	ABSOLUTE VALUES %	%STATUS OFF. IN FILE	1	48-50
SERIES	OTHER DELINQUEN- CIES	0 1	NO YES	1	52-53
CUST	IN CUSTODY PENDING DISPOSITION	0 1	NO YES	1	55
DISP	FINAL DISP. OF CASE	1-N	SEE APPENDIX A	1	58-59
DISP 2	FINAL DISP. OF CASE	1-N	SEE APPENDIX A	1	62-63
DISP 3	FINAL DISP. OF CASE	1-N	SEE APPENDIX A	1	66-67

OTHER CATAGORIES OF DELINQUENCIES

AGPER	AGAINST PERSON	ABSOLUTE VALUES	NUMBER OF DELINQUENCIES	2	1-2
PROTH	PROPERTY THEFT	ABSOLUTE VALUES	NUMBER OF DELINQUENCIES	2	5-6
SXR	ALL SEX RELATED	ABSOLUTE VALUES	NUMBER OF DELINQUENCIES	2	8-9
DRG	ALL DRUG RELATED	ABSOLUTE VALUES	NUMBER OF DELINQUENCIES	2	12-13
VDL	VANDELISM	ABSOLUTE VALUES	NUMBER OF DELINQUENCIES	2	16-17
NUIS	PUBLIC NUISANCE	ABSOLUTE VALUES	NUMBER OF DELINQUENCIES	2	20-21
STAT	STATUS OFFENSE	ABSOLUTE VALUES	NUMBER OF DELINQUENCIES	2	24-25
HTA	HIGHWAY TRAFFIC	ABSOLUTE VALUES	NUMBER OF DELINQUENCIES	2	28-29

CRCD	OTHER CRIMINAL CODE	ABSOLUTE VALUES	NUMBER OF DELINQUENCIES	2	32-33
STBY	OTHER STATUTES- BY-LAWS	ABSOLUTE VALUES	NUMBER OF DELINQUENCIES	2	36-37
OTSTAT	OTHER STATUS RELATED	ABSOLUTE VALUES	NUMBER OF DELINQUENCIES	2	40-41
ORD	ORDER STATUS OFFENSE OCCURRED	0 1 2 3 4 5 6	ONLY 1 OFFENSE FIRST I&C SECOND I&C THIRD I&C FOURTH OR MORE LAST ALL OFENSES AT SAME TIME	2	43

APPENDIX D
INTERVIEW SCHEDULE

Subjects are informants. Therefore it is important that the interviewees are informed as to the purpose and goals of the research prior to commencing the semi-structured interview.

1) Explain the subject matter;

This research is directed at examining a population of deviant youth known as status offenders. Under the Juvenile Delinquents Act delinquents were those who violated the Criminal Code, any other federal or provincial statute, or any municipal bylaw, and also any child "guilty of sexual immorality or similar vice". The legislation treated as delinquent youth who committed such acts as truancy, incorrigibility, sexual promiscuity, immorality, running away from home etc. The term status offense is applied given the fact that these acts are unlawful only for those of juvenile age status.

2) Explain the goals of the research

i) Determine where status offenders were prior to the implementation of the Young Offenders Act in 1984.

ii) Determine where status offenders are now.

iii) Determine what changes have occurred in terms of structures and processes available for this population of youth.

3) Explore with subject

-their understanding of the term status offender
-their perception of where these youth were dealt with

a) corrections b) child welfare c) mental health

-predominant system

4) Explore with subject

-their knowledge of demographic information pertaining to status offenders.

-sex, race, socio-economic status, age,

5) Does (insert name of facility) deal with youth who would fit the description of status offender?

- 6) How did they come to your attention? What are the referral sources for these youth?
- 7) Explore with subject
 - which systems they feel are best equipped to deal with these youth
 - are the services available to these youth adequate?
- 8) How would you describe these youth-Are they delinquent emotionally disturbed, mentally ill?
- 9) What changes in the population of youth you are presently providing service to can be attributed to the Young Offenders Act?
- 10) If the changes are not attributable to the Y.O.A. what factors did precipitate change regarding the services and processes available for status offenders?
- 11) When did these changes occur?
- 12) Do you think these changes have proven beneficial to youth demonstrating status offense behaviors?
- 13) If the services available are not adequate- what are we missing? Eg. Treatment Centres, Foster Placements.

APPENDIX E
INTERVIEW SCHEDULE TWO

PRIOR TO 1984

- 1) Were youth exhibiting behaviors classified as status offences charged as delinquents in the Winnipeg Juvenile Courts?
- 2) What percentage of youth appearing before you were charged with status offenses? Did this change over the past fifty years? If so, when?
- 3) Was this category of delinquent unique in any way? In terms of their demographic profile? Offense history?
- 4) What was the range of dispositions available to these youth? Which were most commonly used?
 - Review data L.C.A. -fines
 - immorality and incorrigibility-
 - institutional settings
 - What factors do you consider when selecting dispositions for status offenders?
- 5) What other systems had responsibility for these youth? How did these systems interface?

AT PRESENT

- 6) What changes in the population of youth appearing in the Juvenile courts presently can be attributed to the divestiture of status offenses in the Y.O.A?
- 7) If not the Y.O.A., what factors precipitated change regarding the services and processes available to status offenders? When?
- 8) Explore the extent of relabeling and system shifting?
- 9) The rationales provided for removing status offenders from the juvenile court system were;
 - a) other systems are better equipped
 - b) the volume of cases would be substantially reduced
 - c) the labelling or stigmatization factor would be reduced.How accurate in your opinion are these statements?
- 10) Where are the youth previously known as status offenders now? In which systems are they found predominantly?
- 11) Are these systems better equipped to deal effectively with the problems of these youth?
 - if not which system is?

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