

**Schissel, B, *Social Dimensions of Canadian Youth Justice*  
Oxford University Press, Toronto (1993), ISBN 0-19-540837,  
rrp \$29.95.**

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The book provides a broad ranging discussion of juvenile justice in Canada. It covers a range of issues including history, theory and contemporary attributes of juvenile justice and its effects. The history of Canadian 'young offenders' shows the socio-economic nature of youth crime during the 19th century and the differential responses around class, gender and ethnicity. Schissel notes that minority and 'lower-class' youth receive the harshest justice from the legal system.

The book also provides an analysis of contemporary trends in juvenile crime rates and notes the increase in offence rates after the introduction of the *Young Offenders Act* 1984. The increase is mainly attributable to the inclusion of older categories of youth covered by the legislation and an increase in formal interventions. Schissel analyses the type of cases heard in the Youth Courts in Canada, how these matters are decided (guilty, not guilty, withdrawn, dismissed) and the type of sentences imposed (secure custody, community service order, probation, fine). Although the data is presented in a way that makes direct comparison with Australian dispositions difficult, one interesting comparative point is the relatively low use of fines by the Canadian Youth Courts compared to Australia. Schissel also considers sentence length and other outcomes for particular offences. He notes that, despite claims that the *Young Offenders Act* is seen as 'too lenient' in some quarters, a significant proportion of serious offences are transferred to be determined and sentenced in the adult courts.

The book provides a useful review of the literature on discretion and discrimination in the Canadian juvenile justice system. Various studies have shown that police hold stereotypical views of Native young people, and that Native youth are publicly visible and located in areas of high police control. The adverse use of discretion by police seems to carry over into the juvenile courts. The type of family structure from which the young comes is seen to influence court outcomes. There is also discussion of the small, but cumulative effect that 'race' has on progression through the juvenile justice system. The results here echo similar Australian studies which have analysed police and court discretion and the impact of various non-legal variables. Finally there is reference to the debate on the extent to which prior record influences prosecution and sentencing outcomes more than non-legal variables. Again in the Australian context the issue of prior record has been shown to influence sentencing outcomes. Unfortunately, much of the existing literature misses the complex interaction which can occur between the adverse use of police discretion and the accumulation of a prior record. In other words, prior record is not simply an independent variable divorced from the processes of the social world. On the one hand prior record is often treated as a 'legal variable', yet the reality is that prior record is a social construct derived from a range of discretionary legal factors and broader social, political and historical forces.

A significant section of the book reports on the results of Schissel's own study of appearances in the Edmonton Youth Court. Schissel is concerned to delineate the influence of 'race' (read Native Canadian) on various stages through the juvenile justice system. He utilises a log linear statistical analysis on a range of variables including seriousness of offence, pre-appearance status, counsel status, plea, adjudication and disposition. In summary the research found that Natives are arrested for less serious offences than non-Natives.

Criminal record has independent effect on the police decision to detain in custody and Native youth are on average detained in custody more than non-Native youth. Native youth are consistently more likely to receive court outcomes involving incarceration or continued supervision. Schissel concludes that:

biases generally appear against Natives ... The suggestion that these biases are explained by higher crime rates and more serious types of crimes committed by Natives is not revealed in this research. On the contrary, as repeat offenders, Natives commit less serious crimes than non-Natives, but they are dealt with more harshly when such crimes are committed (p103).

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