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JUVENILE DELINQUENCY *

I have had no opportunity to prepare such an address as is usually delivered to an audience of this character, and on such an occasion. I shall, however, with your kind indulgence, make use of the occasion to bring before you a matter that I deem to be the concern of all of us, and fit for the consideration of even this distinguished gathering.

Among the duties to be discharged by the Court of Appeal, of which I have the honour to be Chief Justice, are appeals in certain criminal cases. Broadly speaking, anyone who is convicted of an indictable offence has a right of appeal to the Court of Appeal against his conviction and against his sentence. Indictable offences, I may explain, are the more serious crimes, but they include, not only offences for which capital punishment or imprisonment in a penitentiary may be imposed, but also numerous offences which are commonly punished by a term in one of our reformatories. A century ago in England they would have invoked hanging or transportation. There are many of these appeals to be dealt with in the course of the year—some hundreds of them. In some of them the appellant is represented by counsel. In other cases, and this is much the larger class, the appellant merely fills in a form, with which his gaoler will supply him, and gives notice of his appeal in this way in writing. The practice is that inquiry is then made of the convicting Judge or Magistrate to ascertain the facts of the case, and the matter is dealt with by the Court upon the information before it, without oral argument.

It is not, however, the procedure in these cases that I desire to discuss.

Prior to my elevation to the Bench, I had not, in my practice at the bar, been generally concerned in criminal work, and on assuming judicial office it caused me, not only some surprise,

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but something of a shock, to see how many boys and youths of twenty years of age, or younger, were involved in serious crime, and on the way to become confirmed criminals. Some of these boys, by the time they were twenty, had accumulated a considerable record of convictions. The most common offences for which they are convicted, are probably stealing motor-cars and breaking and entering private houses, shops and other places, and stealing therein. There are other offences on the list, such as robbery with violence, assaulting or obstructing the police, setting fire to other persons' buildings, and many others. It was not only the existence of so much crime among the young that disturbed me, but also our comparative helplessness to do anything about it that held out any hope of improvement. For boys under sixteen some provision is made for their care in institutions where there are no older criminals, and where something is done that may bring about improvement. For boys of sixteen and over, if the punishment is anything more than the common gaol, it becomes a term in a reformatory such as the reformatory at Guelph, or in the penitentiary, and to a penitentiary no one can be sent for a shorter term than two years. In these institutions there are many old offenders, confirmed criminals, as well as young. The associations are all with the criminal class. There is no provision made in the reformatories, by education or training, to fit a prisoner for a new mode of life. In the county gaols also there is nothing that would tend to improve a boy, or to make him anything different from those by whom he is daily surrounded. Much of their time is spent in idleness. Such work as is provided is of the day-labourer type.

It is not entirely a matter for surprise that many of these youths, on their release, are soon involved again in crime, and find themselves again in prison. These are the recruits of the criminal class. It is not often that persons of more mature years take to crime as a way of life. They may commit isolated crimes, or may, through pressure of circumstances or too enticing an opportunity, take to fraudulent and criminal devices, but, in the main, those who are found in the criminal class joined it when young, and have really had no other way of life.

I have spoken of young men, and, in truth, there seems to be many more of them involved in crime than of girls and young women. The Magistrates and police, however, inform us that in present times there are many young people of both sexes living without restraint and indulging in crime of all

sorts. This is a very disturbing fact at a time when the betterment of social conditions is so ardently desired and planned for. What kind of social order will we have if we continue adding to the members of the criminal class, and allowing young boys and girls to fall into that way of life?

To cure most evils it is wise to learn their cause. There are many things that contribute to the development of criminal habits among young people. No doubt in many cases the cause is some mental deficiency, possibly arising from or connected with some physical defect. In such cases, sending the individual to gaol, while it may serve to protect the persons and property of other people, does no sort of good to the individual imprisoned. If they must be confined, they should be confined where they may be taken care of, and, if possible, made to be of some use to themselves and to others. In many of such cases I have no doubt that a place could be found for them that would not necessarily involve the degradation of confinement. These are cases for the psychiatrist and the medical man. Environment, parental neglect, or worse than neglect, are important causes of youthful depravity, and poverty is not the only reason for the existence of such things. We had to deal not long ago with the case of a young boy who had gone astray through being out at all hours of the night in undesirable company, and it was found that his father, who was a baker, had to work at nights, while his mother spent her evenings at bingo games. Perhaps some time we will advance so far as to place the blame and the punishment in cases of that kind more nearly where they belong. In the meantime, it would be for the benefit of society if young boys and girls so circumstanced, could be given something attractive, and at the same time, beneficial to them, to occupy the time they now spend in vicious idleness.

I do not, in the least, pretend, to any expert knowledge of these matters, or to put forward cures for every case. My present purpose goes no further than this, to call attention to a dangerous and evil condition that I am sure is much more widely spread through our society than most people guess, and to suggest that for our own sakes, and for the sake of these young people who slip and fall by the way, it is well that we should actively concern ourselves to correct the situation. We are not a poor people. The figures that are published from time to time of the amounts expended by the people of this country in many ways that are not to be classed as necessary, are exceedingly large. A mere fraction of them would serve to provide

means for the correction and improvement of young offenders, of a kind that has already been found useful in other jurisdictions, but, first of all, there is required an earnest purpose of the people of this country that we shall, with all our other social improvement, not permit this festering sore to grow and spread.

It is not higher education that has been the subject of my remarks, but it is to those who have had higher education that we must look, and who can best help in this matter.

These boys must not only cease to do evil. That can be accomplished by locking them up. They must learn to do well. It may be that the possible salvage will make good some of the ravages of war, and perhaps fill places that otherwise will be vacant.

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