

Jailing drops, youth celebrate

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Series: Stolen Lives: An in-depth look at the dangerous world of auto crime

It was just before sunrise on a wet Vancouver morning when the 14-year-old lost control of his stolen Honda Civic and slammed into an oncoming bus.

The youth, already wanted for stealing a car and possession of stolen property, survived the crash. His friend, 17-year-old Howard Delorme, died at the scene on June 22, 2003.

The young driver, who can't be named, was charged with criminal negligence causing death and, after promising never to steal again, was released from custody.

A few weeks later he breached probation and was found in a stolen vehicle. From that point in late 2003 until he was again arrested in a stolen vehicle in March this year the youth repeatedly breached probation, fled from a voluntary residential alcohol-treatment centre and failed to report to his youth worker or return to his foster home.

The Crown called the teen a "real and substantial risk to the community" prior to his Youth Court sentencing in July.

Despite the plea, the youth -- who admitted riding in a stolen vehicle, possessing vehicle break-in tools and breaching probation -- was not jailed.

Since the Youth Criminal Justice Act was introduced two years ago the number of youth in secure custody has fallen dramatically, with most young people now getting probation.

Critics claim the new act lets youth off too easy and has led to a lack of respect for authority. The Youth Criminal Justice Act replaced the Young Offenders Act in April 2003, with a goal of keeping youth out of detention centres and the criminal justice system in general.

Police must now consider giving youth verbal warnings, advising parents or recommending the youth to a community program before laying a charge.

If charged and found guilty, judges must make custody a final option, reserved for violent offenders, repeat offenders and youth who break court orders.

The judge should instead look to absolute discharges, fines of up to \$1,000, reprimand, community service or probation before considering detention.

A May 2005 federal Ministry of Justice report looking at sentencing outcomes after the introduction of the act found "significant reductions in the percentage of cases receiving custody in most major offence categories."

Prof. Ray Corrado, a youth justice expert at Simon Fraser University, says that since the Youth Criminal Justice Act was introduced the number of youth at Burnaby's Willingdon Youth Detention Centre alone has dropped from 180 to 40.

"There has been a precipitous decline in incarceration," Corrado says. "Judges and the Crown are following the act and police are aware of their responsibilities within the act."

In Manitoba, which has the highest auto theft rate in Canada, the provincial justice ministry is dealing with the new act by introducing a string of measures aimed at making juvenile car thieves accountable.

The Manitoba model includes compliance checks on the juvenile every three hours and ensuring contact with a probation officer once a day.

If a breach of conditions is identified the police will execute a warrant within an hour.

COMING THURSDAY

Prevention: New technology could help police nail auto thieves faster

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SOLUTIONS THAT WORK ELSEWHERE

- In Texas a special auto theft court exists with select prosecutors trained in auto theft and assigned to cases involving repeat auto criminals.
- In Seattle, a recently launched auto theft unit includes three deputy prosecutors who will become experts in car theft investigations and work out of the Seattle, Kent and juvenile courts.
- The Insurance Bureau of Canada is lobbying the federal government to make auto theft a separate offence with tough penalties.