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Subject: **CCJA News November 17, 2010**
Date: November 17, 2010 11:14:49 PM GMT+07:00
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CCJA-News, November 17, 2010

Nouvelles-ACJP, le 17 novembre, 2010

1. CONGRESS 2011- CONGRES 2011

Dear Member,

The Canadian Criminal Justice Association is holding its next congress in collaboration with the Société de criminologie du Québec in Québec City, October 26 - 29, 2011. In order to ensure that the congress is representative of all Canadian realities and concerns, we invite you to consider putting forth proposals for workshop sessions on a variety of topics.

Cher (e) membre,

Vous êtes cordialement invités à présenter une proposition de communication dans le cadre du congrès 2011 sous le thème « [Décloisonner pour mieux réussir dans une société en changement](#) ». Cet évènement, organisé conjointement par la Société de criminologie du Québec et l'Association canadienne de justice pénale, se tiendra du **26 au 29 octobre 2011**, au majestueux Château Frontenac, ville de Québec. Ce sera également l'occasion de souligner le 50^e anniversaire de la Société de criminologie du Québec.

2. StatsCanada- Study: Trends in dropout rates and the labour market outcomes of young dropouts 1990/1991 to 2009/2010

In 1990/1991, nearly 340,000 or 16.6% of young people aged 20 to 24 had not completed a high school diploma and were not attending school. This high school dropout rate declined significantly through the 1990s and 2000s. By 2009/2010, that number had fallen to 191,000 (8.5%).

Dropout rates in 2009/2010 were lower for young women (6.6%) than for young men (10.3%). While rates have declined for both sexes, the rate of decrease was faster for men, resulting in a narrowing of the gap over time.

Rates were lower for young immigrant adults than for their Canadian-born counterparts and higher for Aboriginal youth in this age group compared with non-Aboriginal youth.

During the recent economic downturn in 2008/2009, nearly one out of every four dropouts in the labour market was unable to find a job. Even among those who did find work, their earnings were less than for those with a high school diploma.

3. Judges push back against hospitals turning away mentally ill offenders

Judges are starting to fight back over Ontario mental hospitals that close their doors to mentally ill offenders.

In a string of recent decisions, Toronto judges have ordered hospital officials to stop shunting unfit offenders to provincial jails where they cannot be properly treated.

4. Statistiques Canada- Étude : Tendances du taux de décrochage et des résultats sur le marché du travail des jeunes décrocheurs

En 1990-1991, près de 340 000 jeunes de 20 à 24 ans ou 16,6 % étaient sans diplôme d'études secondaires et n'étaient pas inscrits à l'école. Ce taux de décrochage de l'enseignement secondaire a diminué de façon significative tout au long des années 1990 et 2000. En 2009-2010, le nombre de décrocheurs s'est chiffré à 191 000 (8,5 %).

En 2009-2010, le taux de décrochage était plus bas chez les jeunes femmes (6,6 %) que chez les jeunes hommes (10,3 %). Bien que le taux ait diminué chez les deux sexes, il a fléchi plus rapidement chez les hommes, ce qui a rétréci l'écart au fil du temps.

Le taux de décrochage des jeunes adultes immigrants était plus faible que celui de leurs homologues nés au Canada et il était plus élevé chez les jeunes autochtones que chez les jeunes non autochtones de ce groupe d'âge.

1. CONGRESS 2011- CONGRES 2011

Call for Papers -APPEL DE COMMUNICATIONS

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- **Youth:** *Youth Criminal Justice Act*; health and addiction problems; child poverty; mental health problems (more particularly those affecting Aboriginal youth); young female offenders and their needs; street gangs; linkages to the Health and Social Services network; partnership; the role of the community; inter-agency relationships; the consolidation and reorganization of services; etc.
- **Adults:** dealing with terrorists; the ageing prison population; incarcerated women; mental health (self-mutilation; Aboriginals and Inuit offenders); street gangs; linkages to the Health and Social Services network; partnership; the role of the community; inter-agency relationships; the consolidation and reorganization of services; etc.
- **Cultural Communities:** racial, ethnic and cultural profiling and stigmatization; the integration of cultural communities (in the context of the *Immigration Act*); institutional and police practices in relation to cultural communities (developing relationships, understanding their needs, and discussing our own values); our approach to social exclusion and poverty, etc.
- **Municipal, Community, and Citizen Responsibility in Social Reintegration and Integration:** the impact of citizens on penal policy; the prevention of social problems; parental and citizen role in prevention and integration; long-term support; various perceptions of community reintegration; under-utilization of community resources; the involvement of professionals in social control (a critical perspective); partnership; interagency relationships; the consolidation and reorganization of services; etc.
- **Other Themes of Interest:** spousal violence; over-reliance on the courts; economic crime; community crime prevention (in school, with street kids); restorative justice and social mediation, etc.

Please also see the Call for Papers on our website at: <http://www.ccja-acjp.ca/en/call-for-papers.pdf>

Cher (e) membre,

2. StatsCanada- Study: Trends in dropout rates and the labour market outcomes of young dropouts 1990/1991 to 2009/2010

In 1990/1991, nearly 340,000 or 16.6% of young people aged 20 to 24 had not completed a high school diploma and were not attending school. This high school dropout rate declined significantly through the 1990s and 2000s. By 2009/2010, that number had fallen to 191,000 (8.5%).

Dropout rates in 2009/2010 were lower for young women (6.6%) than for young men (10.3%). While rates have declined for both sexes, the rate of decrease was faster for men, resulting in a narrowing of the gap over time.

Rates were lower for young immigrant adults than for their Canadian-born counterparts and higher for Aboriginal youth in this age group compared with non-Aboriginal youth.

During the recent economic downturn in 2008/2009, nearly one out of every four dropouts in the labour market was unable to find a job. Even among those who did find work, their earnings were less than for those with a high school diploma.

Dropout rates falling, but more slowly in recent years

Dropout rates have been falling since 1990/1991 when nearly 340,000 or 16.6% of young people had not completed a high school diploma and were not currently enrolled in school.

The largest declines occurred during the 1990s; by 2000/2001, the rate had dropped to 11.1%. Decreases during the 2000s were more gradual.

By 2009/2010, 8.5% of young people aged 20 to 24 had not completed their high school diploma and were not attending school.

Rates fell in all provinces. The biggest changes occurred in most of the Atlantic provinces, where rates fell from the 15% to 20% range in the early 1990s to 9% to 11% a decade later. Since then, the rates for these provinces have fallen even further.

Newfoundland and Labrador had the most significant change in dropout rates over the past 20 years. Its three-year average rate between 1990 and 1993 was 19.9%, highest in Canada. Between 2007 and 2010, the three-year average had declined to 7.4%, one of the lowest. The average was lowest in British Columbia at 6.2% between 2007 and 2010.

Dropout rates for individual groups

In 2009/2010, 10.3% of young men and 6.6% of young women had dropped out of high school. These rates were down significantly for both sexes from 1990/1991 when they were 19.2% for young men and 14.0% for young women.

The gap between the sexes narrowed slightly over time, from 5.2 percentage points in 1990/1991 to 3.7 percentage points in 2009/2010. The share of young men dropping out fell faster during this period.

Between 2007 and 2010, the three-year average dropout rate among First Nations people living off-reserve, Métis and Inuit aged 20 to 24 was 22.6%, compared with 8.5% for non-Aboriginal people. Among young off-reserve First Nations people (North American Indians), the dropout rate was 25.8%, and for Métis, 18.9%.

Among immigrant youth aged 20 to 24, the dropout rate in 2009/2010 was 6.2%, compared with 9.1% for the Canadian-born in this age group. Both rates were down slightly from 7.0% for young immigrants and 9.8% for Canadian-born youth in 2006/2007.

Nearly one in four dropouts unemployed during the recent downturn

During the deepest part of the recent economic downturn in 2008/2009, almost one in four dropouts aged 20 to 24 was unable to find work. In addition, the gap between their unemployment rate and that of their counterparts who had completed high school widened.

In 2007/2008, prior to the downturn, the unemployment rate for dropouts was 18.0%. This was more than double the rate of 8.4% among high school graduates aged 20 to 24 who were not enrolled in any educational institution.

By 2008/2009, during the deepest part of the downturn, the unemployment rate for dropouts reached 21.3%. In 2009/2010, into the early recovery, their unemployment rate had increased to 23.2%.

In contrast, the unemployment rates for high school completers who were not in school rose to 10.0% in 2008/2009 and increased to 11.9% in 2009/2010.

Dropouts employed full time in 2009/2010 were working almost one hour more per week than high school graduates who were not in school (39.9 hours versus 39.2 hours). However, they were earning about \$70 less per week on average (\$551 versus \$621).



3. Judges push back against hospitals turning away mentally ill offenders

KIRK MAKIN

JUSTICE REPORTER— From Wednesday's Globe and Mail

Published Tuesday, Nov. 16, 2010

Judges are starting to fight back over Ontario mental hospitals that close their doors to mentally ill offenders.

In a string of recent decisions, Toronto judges have ordered hospital officials to stop shunting unfit offenders to provincial jails where they cannot be properly treated.

"The circumstances which have occurred constitute a serious affront to the authority of the court and a serious interference with the administration of justice," Ontario Court Judge Fran Kiteley said, awarding legal costs against the Crown in one such case.

With hospital and jail officials locked in battle, police are having to warehouse mentally ill individuals in holding cells.

The problem dates back 30 years, when the province established a deinstitutionalization policy and vast numbers of mentally ill people were discharged into the community. Many committed crimes and found themselves caught up in the criminal justice system.

In spite of court orders requiring that these offenders be assessed or treated in mental hospitals, some hospitals refused on the basis that they were too full. Instead, offenders ended up in jail. In recent weeks, however, judges have signalled that hospitals must find room, a concerted move that could force the government to finally address the issue.

"We are struck with taking them in our central lockup, which is not the best facility for somebody who is ill," said Jerry Wiley, legal counsel to Toronto Police Chief Bill Blair. "No. 1, we are stuck with someone who is sick and may need treatment. No. 2, in some rare cases, they could be a danger to him or herself, or others."

"I'm not blaming anybody in particular, but I hate for us to be holding the bag. God forbid that one of these people should harm themselves or die in their cell. This has got to be resolved sooner or later."

Meanwhile, lawyers for the mentally ill are hoping that out of the chaos will emerge permanent legislative changes to eliminate clients languishing in a jail subculture most cannot navigate.

"Kafkaesque, is what it's called," said Toronto defence counsel Chris Hynes. "Bureaucratic insanity. Down in Provincial Court, the judges who are a bit more activist are forcing the issue. They have seen this going on for too long. There is a war."

Another defence lawyer, David Berg, said that after 30 years of controversy over the mistreatment of mentally ill

offenders, the province may finally be shamed into providing proper funding to hospital forensic wings. "These people are unfit to stand trial and they are horribly ill," he said. "What's going on is unbelievable."

The pushback by judges took form several weeks ago, when Madam Justice Maureen Forestell of Ontario Superior Court tore a strip off Toronto's Centre for Addiction and Mental Health for refusing to accept an offender, Bahaeddine Hneihen, who had been in the Don Jail for two months awaiting one of the centre's 165 forensic beds.

"The detention of the applicant at the Don Jail was unlawful," Judge Forestell said. "To do so, was in direct contravention of the valid court order. ... It cannot be overridden by an opaque and bureaucratic process with no discernible criteria, no temporal limitations and no appeal."

Judge Kiteley went a step further. "The fact that the Crown takes the position that it can wash its hands of an accused person found unfit to stand trial is unacceptable, given that all of the proceedings are in Her Majesty's name," she said.

Ontario Court Judge Richard Schneider, who presides over Old City Hall courthouse's mental health court, said in an interview that events have brought a long-standing problem to a head.

"I think its common ground that all parties involved in the system would agree that keeping mentally ordered accused who have been ordered to hospital in jail cells is counter-productive and worsens their prognosis," Judge Schneider said. "We are mutually working toward improving the efficiency of the system. But at the end of the day, there is no doubt that we need further and better resources."

Robert Singer, a mentally ill man who spent several weeks at the Don Jail last summer before a CAMH bed came open, said that jail conditions are horrendous for the mentally ill.

"Cold, dank, lonely, dark – and all they do is scream at you," Mr. Singer said. "You very rarely get to see your psychiatrist. You have to tread very carefully. Some people are in there for life and are quite capable of heinous crimes."

About 15 to 20 per cent of the Ontario jail population has a serious mental illness – 6,400 people at any point in time – said Graham Glancy, a Toronto forensic psychiatrist at Maplehurst Correctional Complex.

Dr. Glancy said that an entire row of cells at Maplehurst is reserved for chronically psychotic offenders who refuse to take medication. They are let out of their cells for just 20 minutes a day to shower or exercise.

"They have nothing," Dr. Glancy said. "They just lie there. Out of boredom or passive aggression, some of them smear feces all over the walls and ceiling. It's unbelievable. Every couple of weeks, you have to get a power washer to wash the walls."

Many critics, including Dr. Glancy, accuse CAMH of focusing too much on patients and treatments that will enhance its international reputation – at the expense of unglamorous forensic patients.

"I'm absolutely convinced that CAMH has not made this a priority for the last 20 years," Dr. Glancy said. "Cities like Ottawa and London are better resourced but Toronto is terrible. It's a disgrace, really. They have not requested that the Ministry of Health give them the money for this. They could double their beds tomorrow and I'm sure we would move people into them."

Mr. Hynes said that CAMH front-line workers pay the price for decisions made by the centre's privatized board of directors. "Everyone just buys their disingenuous claims about funding," he said. "Quite frankly, they are more interested in helping you grieve over your dead pet than they are about psychotic people. The real reason they don't want to accept people is they don't want CAMH to turn into the Don Jail."

However, Sandy Simpson, clinical director of the Law and Mental Health Program at CAMH, disagreed. "It's quite the opposite," he said. "But the only answer to more demand is not more beds. We have just received funding to develop some other pathways of care. We are developing a range of options – not simply a bed option – to cope with the need."

Like any other institution, CAMH staff have a finite budget, Dr. Simpson said. "Frankly, there is nothing opaque about the way decisions are made," he said. "They are driven on judicial requirements and clinical need. We triage the needs of everybody who need care on that basis."

While it is distressing to have mentally ill people caught up in the prison system, Dr. Simpson said, "making valid judicial orders where there is no space actually doesn't create space. It is not that I am flouting them, or that CAMH is flouting them. We are simply unable sometimes to provide a bed to someone who is not in urgent need."

But Toronto mental health lawyer Anita Szigeti said that money will continued to be siphoned away to fight for the welfare of mentally ill offenders as long as hospitals fail them.

“All of those dollars should be going to other things,” she said. “Instead, we are constantly draining away all sorts of money trying to enforce lawful court orders.”

4. Statistiques Canada- Étude : Tendances du taux de décrochage et des résultats sur le marché du travail des jeunes décrocheurs

1990-1991 à 2009-2010

En 1990-1991, près de 340 000 jeunes de 20 à 24 ans ou 16,6 % étaient sans diplôme d'études secondaires et n'étaient pas inscrits à l'école. Ce taux de décrochage de l'enseignement secondaire a diminué de façon significative tout au long des années 1990 et 2000. En 2009-2010, le nombre de décrocheurs s'est chiffré à 191 000 (8,5 %).

En 2009-2010, le taux de décrochage était plus bas chez les jeunes femmes (6,6 %) que chez les jeunes hommes (10,3 %). Bien que le taux ait diminué chez les deux sexes, il a fléchi plus rapidement chez les hommes, ce qui a rétréci l'écart au fil du temps.

Le taux de décrochage des jeunes adultes immigrants était plus faible que celui de leurs homologues nés au Canada et il était plus élevé chez les jeunes autochtones que chez les jeunes non autochtones de ce groupe d'âge.

Au cours du récent ralentissement économique en 2008-2009, près du quart des décrocheurs qui étaient sur le marché du travail ont été incapables de trouver un emploi. Même ceux qui ont réussi à trouver du travail gagnaient moins que les diplômés de l'enseignement secondaire.

Le taux de décrochage baisse, mais plus lentement ces dernières années

Le taux de décrochage diminue depuis 1990-1991, alors que près de 340 000 ou 16,6 % des jeunes étaient sans diplôme d'études secondaires et n'étaient pas inscrits à l'école.

Les reculs les plus marqués se sont produits au cours des années 1990. En 2000-2001, le taux avait baissé et s'était établi à 11,1 %. Le fléchissement s'est fait plus graduellement durant les années 2000.

En 2009-2010, 8,5 % des jeunes de 20 à 24 ans n'avaient pas obtenu leur diplôme d'études secondaires et ne fréquentaient pas l'école.

Le taux a diminué dans toutes les provinces. C'est dans la plupart des provinces de l'Atlantique qu'il a le plus changé, y étant passé d'un intervalle de 15 % à 20 % au début des années 1990 à un intervalle de 9 % à 11 % une décennie plus tard. Depuis, le taux de décrochage a fléchi encore davantage dans ces provinces.

La plus forte variation du taux de décrochage des 20 dernières années s'est produite à Terre-Neuve-et-Labrador. Le taux moyen sur trois ans pour la période allant de 1990 à 1993 y était de 19,9 %, le taux le plus élevé au Canada. Durant la période allant de 2007 à 2010, la moyenne sur trois ans avait fléchi et s'était établie à 7,4 %, soit l'un des taux les plus bas. La plus faible moyenne a été observée en Colombie-Britannique (6,2 %) entre 2007 et 2010.

Note aux lecteurs

L'étude «Tendances du taux de décrochage et des résultats sur le marché du travail des jeunes décrocheurs» examine les tendances du taux d'abandon des études secondaires entre 1990-1991 et 2009-2010 à partir des données de l'Enquête sur la population active (EPA). Il s'intéresse également à la situation des décrocheurs sur le marché du travail aux chapitres du taux de chômage et de la rémunération hebdomadaire moyenne.

L'EPA recueille maintenant des données nationales sur les Autochtones et les immigrants, ce qui permet aux chercheurs de déterminer en quoi le taux de décrochage de ces groupes diffère de celui du reste de la population.

Comme l'EPA est une enquête par sondage sujette à une certaine erreur inhérente, particulièrement chez les plus petites

régions géographiques, la moyenne des taux de décrochage provinciaux et territoriaux est calculée sur une période de trois ans. Aucune moyenne n'a été utilisée à l'échelle nationale.

Définition : Le taux de décrochage

Bien que les diplômés de l'enseignement secondaire aient généralement 18 ans au terme de leurs études secondaires, ce n'est pas toujours le cas, pour toutes sortes de raisons. Certains retournent à l'école, profitant d'une «seconde chance» qui leur est offerte partout au pays de finir leurs études secondaires. Mais lorsqu'ils ont atteint l'âge de 20 à 24 ans, la plupart ont décidé de finir ou non leurs études secondaires. On calcule donc le taux de décrochage à partir de ce groupe d'âge, car l'estimer à partir d'un groupe plus jeune équivaldrait peut-être à compter comme «décrocheur» une personne qui n'aurait pris qu'un congé temporaire de ses études.

Le taux de décrochage correspond donc à la proportion des 20 à 24 ans qui ne fréquentent pas l'école et qui n'ont pas obtenu de diplôme d'études secondaires.

Taux de décrochage selon le groupe

En 2009-2010, 10,3 % des jeunes hommes et 6,6 % des jeunes femmes avaient abandonné l'école secondaire. Ce taux était nettement à la baisse chez les deux sexes par rapport à 1990-1991, année au cours de laquelle il était de 19,2 % chez les jeunes hommes et de 14,0 % chez les jeunes femmes.

L'écart s'est légèrement amenuisé au fil du temps entre les hommes et les femmes, étant passé de 5,2 points de pourcentage en 1990-1991 à 3,7 points de pourcentage en 2009-2010. La baisse du taux a été plus rapide chez les jeunes hommes durant cette période.

De 2007 à 2010, le taux de décrochage moyen sur trois ans a été de 22,6 % chez les membres des Premières Nations vivant à l'extérieur des réserves, les Métis et les Inuits de 20 à 24 ans comparativement à 8,5 % chez les non-Autochtones. Le taux de décrochage était de 25,8 % chez les jeunes membres des Premières Nations vivant à l'extérieur des réserves (Indiens de l'Amérique du Nord) et de 18,9 % chez les jeunes Métis.

En 2009-2010, le taux de décrochage était de 6,2 % chez les jeunes immigrants de 20 à 24 ans, comparativement à 9,1 % chez les Canadiens de naissance du même groupe d'âge. Il s'agissait d'une légère baisse par rapport au taux de 7,0 % observé chez les jeunes immigrants et à celui de 9,8 % enregistré chez les jeunes Canadiens de naissance en 2006-2007.

Près du quart des décrocheurs étaient en chômage durant le récent ralentissement

Au plus fort du récent ralentissement économique en 2008-2009, près du quart des décrocheurs de 20 à 24 ans n'arrivaient pas à trouver du travail. De plus, l'écart entre leur taux de chômage et celui des jeunes de leur âge qui avaient fini leurs études secondaires s'est creusé.

En 2007-2008, avant le ralentissement, le taux de chômage des décrocheurs était de 18,0 %. Il s'agissait d'un taux supérieur au double de celui de 8,4 % observé chez les diplômés de l'enseignement secondaire de 20 à 24 ans qui n'étaient inscrits à aucun établissement d'enseignement.

En 2008-2009, au plus fort du ralentissement, le taux de chômage des décrocheurs s'est établi à 21,3 %. En 2009-2010, au début de la reprise, il s'était hissé à 23,2 %.

En revanche, le taux de chômage des finissants de l'enseignement secondaire qui ne fréquentaient pas d'établissement d'enseignement a progressé pour s'établir à 10,0 % en 2008-2009, puis s'est accru pour atteindre 11,9 % en 2009-2010.

Les décrocheurs qui avaient un emploi à temps plein en 2009-2010 travaillaient près d'une heure de plus par semaine que les diplômés de l'enseignement secondaire qui ne fréquentaient pas l'école (39,9 heures comparativement à 39,2 heures). Ils gagnaient toutefois en moyenne quelque 70 \$ de moins par semaine (551 \$ comparativement à 621 \$).

Un deuxième article figurant dans le numéro de novembre 2010 de *Questions d'éducation : le point sur l'éducation, l'apprentissage et la formation au Canada*, «Note sur l'obtention du diplôme d'études secondaires et la fréquentation scolaire, selon l'âge et la province, 2009-2010» se penche sur un semblant de paradoxe. Ainsi, dans certaines provinces, les taux de décrochage et d'obtention du diplôme sont tous les deux faibles, alors que dans d'autres, les deux taux sont élevés. Cet article examine les différences entre les provinces en ce qui a trait à l'âge «typique» auquel les étudiants obtiennent un diplôme d'études secondaires et illustre comment la proportion de diplômés, de persévérants et de décrocheurs change avec l'âge des étudiants.





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