Needs and Responses

Youth Perspectives on the Youth Criminal Justice System

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"The world is yours, as well as ours, but in the last analysis, it is yours. You young people, full of vigour and vitality, are in the bloom of life, like the sun at eight or nine in the morning. Our hope is placed on you. The world belongs to you." – Mao Tse Tung

Department of Justice Canada

Ministère de la Justice Canada

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NEEDS AND RESPONSES

INTRODUCTION

BACKGROUND

For Youth Initiative (FYI) is a non-profit, charitable organization operated by youth, for youth. FYI recognizes the needs of the large number of marginalized youth at-risk in the communities they serve. FYI begun as a project in the former City of York in response to the crucial and pressing issues of youth disengagement, violence, crime, poverty and alienation among at-risk youth in the area; their work has now expanded to increasing access to all youth across the city of Toronto.

FYI in partnership with the City of Toronto hosted the "YOUTH SPEAK!" conference at the University of Toronto – Chestnut Residence on April 20, 2010, to provide a forum for youth to dialogue with stakeholders around the topic of youth and the **criminal justice system** in Ontario. In addition, the purposes of the conference were to bring relevant and personal experience to the discussion concerning the challenges that face youth who encounter the **criminal justice system** and to provide accountability on the part of stakeholders to improve the lives of youth.

The conference consisted of one keynote speaker and three plenaries that were comprised of (a) youth who have *already gone through the **criminal justice system***; (b) youth who are *currently involved* in the system; and (c) youth considered at-risk of encountering the system due to their socio-economic status. The panel discussions sparked important dialogue amongst youth and different stakeholders; and brought important questions to bear concerning the responsiveness of the youth **criminal justice system** and community organizations to the needs of young people. This report will build upon the foundation that "YOUTH SPEAK!" laid and continue the dialogue around the key issues that affect youth.

Panel One:
Youth who have *already gone through* the criminal justice system

Panel one was composed of youth who have *already gone through* the **criminal justice system** and completed their parole and other responsibilities. The youth gave personal accounts of their time spent in the system, to provide a context in which to understand the impact that the **criminal justice system** has on young people's lives. As well, they provided recommendations to stakeholders to help youth reintegrate into society. The plenary was moderated by FYI

Executive Director, Lekan Olawoye. It consisted of four youth; three males and one female. All of the panellists are now working within community organizations that are focused on improving the lives of youth.

Panel Two:
Youth who are *currently involved* in the system

Panel two was made up of youth who are *currently involved* in the **criminal justice system** that highlighted the gaps they are currently facing in the process. Specifically, the youth gave personal accounts of their current experience with the system, to highlight the systemic and resource obstacles they have faced thus far. The plenary was moderated by Beyond The Lyrics (BTL) Executive Director, Ayderus Alawi. It consisted of four youth; three males and one female.

Panel Three:
Bringing together considered "at-risk" youth and frontline community workers

Panel three had two considered at-risk youth and two frontline community workers. This panel highlighted measures that ought to be taken by stakeholders, to ensure that youth in **priority neighbourhoods** are not overrepresented in the **criminal justice system**. The plenary was moderated by FYI board member, Victor Beausoleil.

FOCUS AND PURPOSE

The focus of this report is to summarize, analyze, explain, and evaluate the statements made by panellists at "YOUTH SPEAK!" concerning their experiences with the **criminal justice system**, and to compile those statements into understandable themes. This report will compile and expand upon a total of five themes, all centred around issues in the justice system.

The following themes have been highlighted by at-risk youth as the main determinants for their disproportionate contact with the **criminal justice system** – this includes but should not be limited to: poverty, racism, community design, issues in the education system, and lack of economic opportunity for youth. Through this understanding; this report will highlight that the youth justice system lacks a vivid and comprehensive justice philosophy, which adequately addresses the **basic** and **safety needs** of young people. Recommendations will be provided to stakeholders in relation to the information presented at YOUTH SPEAK! to address the gaps within the youth justice system.

The purpose of this report is to provide stakeholders with a more thorough understanding of some of the issues affecting youth involved in the justice system and to present pragmatic recommendations that stakeholders can fully incorporate into their respective agencies and organizations.

DEFINTIONS OF KEY TERMS

Aboriginal Aboriginal is a collective term for people who self-identify as First Nations, Métis and Inuit peoples and those who report being a Treaty Indian or a Registered Indian, as defined by the Indian Act of Canada, and/or those who report that they are a member of an Indian band or First Nation. There is no legal definition of First Nations. Demographic analysis of First Nations often distinguishes between First Nations people living on and off reserve. There are more than 50 distinct Aboriginal groups each with its own language and traditional land base in Canada.[i]

Aboriginal Peoples In Canada, status Indians, non-status Indians, Inuit, and Métis.[ii]

Adverse Impact The extent to which policies, procedures, and practices disproportionately exclude certain groups. [iii]

Affirmative Action A set of explicit actions or programs designed to eliminate systemic forms of discrimination by increasing the opportunities of individuals and groups who have historically been excluded from full participation in and access to such areas as employment and education.[iv]

At-risk To be considered in danger of encountering the criminal justice system and/or dropping out of school, due to socio-economic barriers such as, race and class. It should be noted that the youth panellists took issue with this term signalling its inherent assumptions that they will inevitably be involved in criminal activity. Therefore the term considered at-risk will be used throughout this document as it doesn't assume that youth will be involved with criminal activity but rather that due to many factors agencies, organizations and government bodies consider certain youth at risk

Basic Needs Part of one's survival and physiological needs. The basic necessities, such as food, water, and sleep.[v]

Belonging Needs For friends and family to provide love, and the sense of affiliation with a group or community.[vi]

Circumstances of Poverty Poverty, in which services and facilities that most of us take for granted are not locally available or are denied by reason of cost or accessibility, or both, to those who need them the most, eliminating from the lives of far too many the positive factors that can impede the growth of the roots of youth crime.[vii]

City Number 1 Areas where there is phenomenal income growth. Richer and whiter downtown core and swanky neighbourhoods clustered around the city's two subway lines.[viii]

City Number 2	Toronto's demographically mixed middle-income neighbourhoods.[ix]
Colonialism	A process by which a foreign power dominates and exploits an indigenous group by appropriating its land and extracting the wealth from it while using the group as cheap labour.[x]
Concentration of Poverty (Concentrated Poverty)	Poverty in definable geographic areas where negative impacts grow and reinforce each other, and strain when they do not eliminate the capacity of families and communities to provide positive counterweights.[xi]
Criminal Justice System	An entity that functions as a system when its individual components work together in an organized and methodical manner using agreed-upon principles and when they (perhaps) share the common goal of seeking justice.[xii]
Dominant Majority Group	The group of people in a given society that is largest in number or that successfully shapes or controls other groups other groups through social, economic, cultural, political, or religious power. In Canada, the term has generally referred to White, Anglo-Saxon, and Protestant males.[xiii]
Economic Deprivation	Where capitalism encourages the criminality of the poor by the misery and the inequality that it foists on them.[xiv]
Equity	The rights of individuals to an equitable share of the goods and services in society. In order to ensure equality of outcome, equity programs treat groups differently when the situation in society precludes equal treatment. Equity programs are more inclined to accept the priority of collective rights over individual rights.[xv]
Esteem Needs	Based on respect and appreciation from self and others for individuals' competence and accomplishments.[xvi]
Immediate Risk Factors	Broadly speaking, risk factors can be categorised as family, individual, peer, school, and community risk factors. For the purposes of this report, individual factors are identified as youth having a deep sense of alienation and low self-esteem; little empathy for others and suffer from impulsivity; believe that they are oppressed, held down, unfairly treated and neither belong to nor have stake in the broader society; believe that they have no way to be heard through other channels; and have no sense of hope.[xvii]
Horizontal Violence (see Lateral Violence)	A military tactic used to impose violence on a group of people by containing them in a constant state of poverty.[xviii]

In-Between City	Corresponds to the postwar suburbs, or inner suburbs, that grew with the booming economy of the 1950s and '60s. As urban researchers at York University's City Institute have observed, their high-rises, diverse immigrant populations and lower-than-average incomes are the stuff of the inner city; but their bungalows, strip malls and wide roads are quintessentially suburban.[xix]
Individual Racism	A form of racial discrimination that stems from conscious, personal prejudice.[xx]
Institutions	Organizational arrangements and practices through which collective actions are taken (e.g., government, business, media, education, and health and social services).[xxi]
Lateral Violence (see Horizontal Violence)	When oppressed people act out rage, anger, and frustration towards their own people.[xxii]
Level of Poverty	The depth of relative deprivation experienced by those in poverty.[xxiii]
Marginal	The status of groups who do not have full and equal access to the social, economic, cultural, and economic institutions through which its power is maintained.[xxiv]
Mainstream	In the context of anti-racism, the dominant culture and the political, social, educational, cultural, and economic institutions through which its power is maintained.[xxv]
New Racism	Proposes the existence of "natural" boundaries between human populations (nations), rooted in immutable cultural differences.
People of Colour (Racial Minority)	A group of persons who because of their physical characteristics are subjected to differential treatment. Their minority status is the result of a lack of access to power, privilege, and prestige in relation to the majority group.[xxvi]
Priority Neighbourhoods	In total, 13 neighbourhoods: Jane-Finch, Scarborough Village, Dorset Park, Crescent Town, Malvern, Steeles-L'Amoreaux, Eglinton East-Kennedy Park, Jamestown, Weston-Mount Dennis, Flemingdon Park-Victoria Village, Westminster-Branson, Lawrence Heights, and Kingston-Galloway.[xxvii]
Racialized	The term is used to categorize or describe groups of people on the basis of race.[xxviii]
Racialized Poverty	Disproportionate and persistent incidence of low-income among **racialized** groups.[xxix]

Safety Needs   Safe shelter, stability, and protection from danger.[xxx]

Suppression   To put an end to narcotic trafficking and gun violence in certain neighbourhoods by a large show of police force.[xxxi][xxxii]

Surplus Value   The social product which is over and above what is required for the producers to live.[xxxiii]

Third City   Consists of areas with high concentrations of **racialized poverty**, where incomes have decreased 20 per cent or more over the past 30 years.[xxxiv]

Systemic Discrimination   Racism that consists of policies and practices, entrenched in established institutions, which result in the exclusion or advancement of specific groups of people. It manifests in two ways: (1) institutional racism: racial discrimination that derives from individuals carrying out the dictates of others who are prejudiced or of a prejudiced society; and (2) structural racism: inequalities rooted in the system-wide operation of a society that exclude substantial numbers of members of particular groups from significant participation in major social institutions.[xxxv]

Vertical Violence   Violence that comes down directly from the hands of the State.[xxxvi]
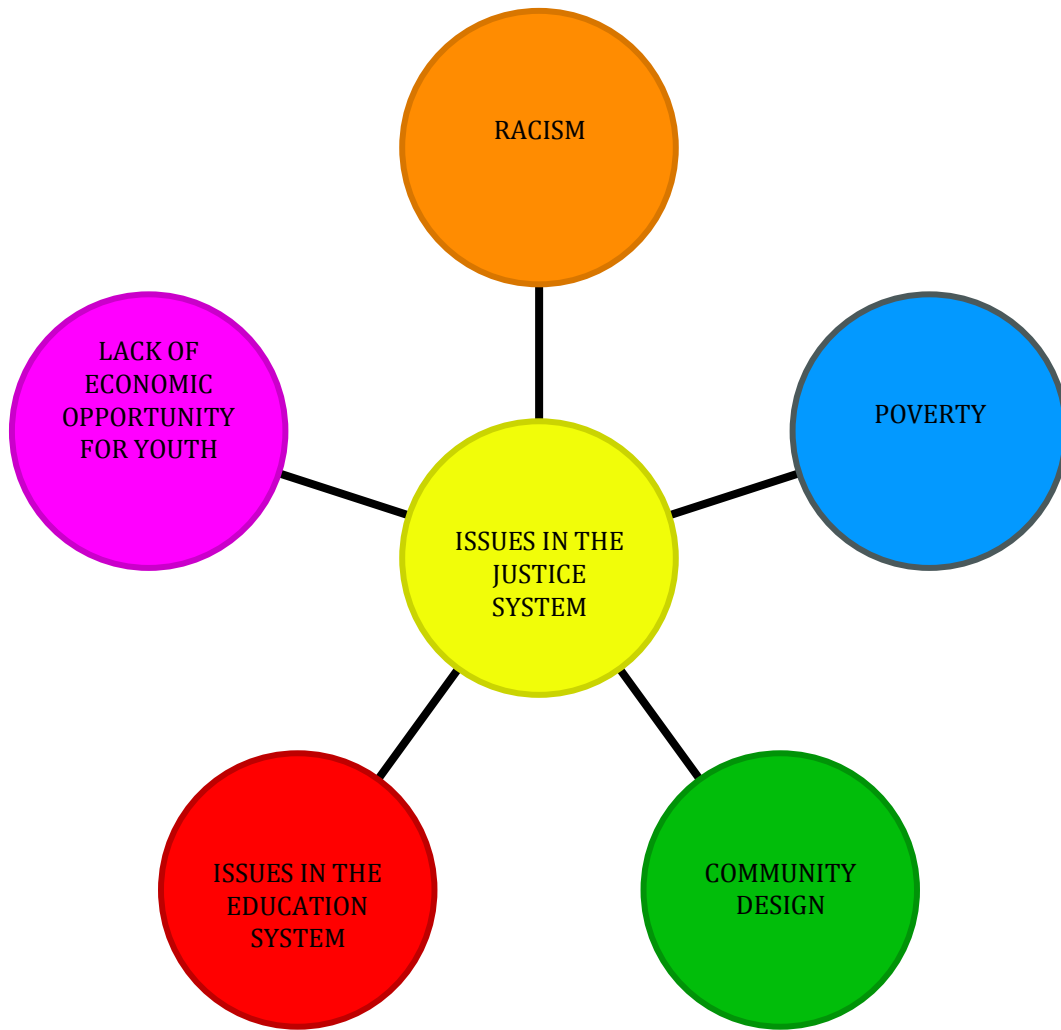
THEMES

FIGURE 1

ARGUMENT

SUMMARY AND ANALYSIS

ISSUES IN THE JUSTICE SYSTEM

- Police brutality
- Racial profiling
- Over-criminalization
- Lack of youth input
- Recidivism
- Insensitive justice professionals
- Racial bias
- Police misconduct (racist incidents, profanity, aggressiveness)
- Community justice
- Roy McMurtry Youth Centre
- Police officers in schools

RACISM

Summary

For the most part, youth tended to characterize racism in terms of individual racist incidents with police officers that acted unprofessionally towards them. Stakeholder(s) mentioned the importance of addressing the nature of **colonialism** and its impacts on the development of **Aboriginal** and **racialized** youth. There was a contention from some that, **colonialism** has played a major role in the **lateral** or **horizontal violence** seen in the **Aboriginal** and Black communities. As well, there was a consensus amongst panellist(s) and stakeholder(s) that **Aboriginal** and black youth had a basis of unity in terms of their similar and unique oppressions.

Analysis

Despite the fact that youth appeared to downplay the effects that racism had in bringing them in contact with the **criminal justice system**; the literature leans towards the notion that racial bias is pervasive throughout local police services; courts and provincial jails. As an example, black men are more likely to be stopped and searched by police than black females or men and women from all other racial categories.[xxxvii] Case in point, the *Toronto Star* recently reported that black men aged 15-24 are stopped and documented 2.5 more times than white males the same age by the Toronto Police Service.[xxxviii] The *Star's* analysis also revealed that in each of the

city's 74 patrol zones, blacks were documented at significantly higher rates than their census populations in those respective zones.[xxxix]

Young people should be more encouraged by stakeholders to speak out against **individual** and **systemic racism**, especially as it relates to their experiences with the justice system. After the conference, a panellist mentioned that she wanted to speak more about racism during the plenary discussion; but felt that it is already well known to the public that the **criminal justice system** is racist; and wanted to address other issues that affect youth. Community organizations such as the Toronto Police Accountability Coalition (TPAC) are vital in articulating the voices of **racialized** youth that may be apprehensive about speaking out concerning their experiences with the **criminal justice system**. Case in point, the TPAC recently filed a complaint with the Office of the Independent Police Review Director (OIPRD) on June 1, 2010 highlighting "the widespread practice of racial profiling by the Toronto Police" and calling for senior police officers, including the chief, to state publicly that the Toronto Police Service engaged in discrimination and would implement a plan to tackle the issue head on.[xl]

Explanation/Evaluation

Colonialism in Canada has taken the form of Europeans usurping the lands of **aboriginal peoples** and relegating them to reserves.[xli] As a result, **aboriginal peoples** have been frustrated by the **dominant majority group**, which has engaged in a form of neglect that makes it increasingly difficult for **aboriginals** to satisfy their **basic needs**. As an illustration, the northern Ontario town of Kashechewan made headlines in 2005 when hundreds of its **aboriginal** residents were evacuated because of drinking water contaminated by E. coli bacteria – due to poorly designed water plants and technologically advanced systems too costly to maintain.[xlii]

In another case, the neglect of aboriginals was revealed in the shooting death of activist Dudley George; who was killed when police fired on natives "occupying" Ipperwash Park.[xliii] The claimed Indian burial ground was supposed to be returned to the Stony Point Nation after it was expropriated under the War Measures Act for the installation of a military camp.[xliv] Approximately, 30 protestors in 1993 built barricades to register their dissatisfaction with the fact that the government of Canada still had not returned the land to the band and destroyed their burial ground; Dudley George was one of the group's leaders.[xlv]

Many charged at the time that the premier of Ontario, Mike Harris, interfered with the operation of the OPP by ordering them to raid the protestors.[xlvi] Consequently, Justice Sidney Linden, commissioner into the death of Dudley George actually ruled in 2007 that the OPP, the government of former Ontario premier Mike Harris and the federal government all bear responsibility for events that led to his death.[xlvii] All things considered, the police officers' force was part-and-parcel of the federal and provincial governments' mistreatment of **aboriginal peoples**.[xlviii]

Prior to 1833, blacks who immigrated to Canada were "employed" as slaves.[xlix] Despite the fact that slavery has been abolished, a **new racism** plagues Canadian society and is responsible for

the **racialization** of blacks and other visible minorities in education, housing, and the labour market.[l] [li]

Blacks that have immigrated from the Caribbean, Africa, or other parts of the world to Canada or Canadian born blacks – are all subject to this tacit racism. In essence, **new racism** characterizes non-white peoples as "naturally" different from the dominant Canadian national identity (White, Anglo-Saxon, Protestant), based upon their respective cultures.[lii] Its race-neutral language serves to mask the fact that it shifts racism, which proposes a human hierarchy based on immutable racial differences (lighter skin being more superior to darker skin); to an arena of culture instead of race.[liii]

Above all, the sophistication of the ideology allows for the linking together of race, ethnicity, and nationality, while masking racism and race.[liv] For instance, black criminality in Toronto is often described as the result of: single-parent, female-run households; a lack of work ethic; drug sub-culture; and gangs that are engaged in **horizontal violence**.[lv] These dynamics are characterized as cultural traits that blacks possess which the rest of "law-abiding" Canadians do not subscribe to and must eliminate using punitive measures.[lvi] Consequently, the **dominant majority group** uses cultural critiques of blacks and other visible minorities as a rationale to maintain the current political-social-economic order through policing **people of colour** at disproportionate rates.[lvii]

The idea of policing by **suppression** – by a large show of force – is a short-term measure that shifts crime and also police resources to other areas.[lviii] Consequently, even though raids may extricate dangerous elements that are in a community, the feelings brought about through police intimidation will remain.[lix] Community members and youth in particular will feel alienated and oppressed, and will not cooperate with police officers that behave uncivilly.[lx] In addition, dangerous elements in the community will persist due to the vacuum that is left or even may appear elsewhere, due to the **suppression**.[lxi] [lxii]

The long-term solution to these issues is to have more police officers that actually come from **priority neighbourhoods** and are reflective of the racial composition in those locations.[lxiii] Likewise, there must be a culture shift in local police services that truly focuses on the prevention of crime, which includes police leaders taking the initiative in curbing aggressive and uncivil behaviour by rank-and-file officers.[lxiv]

Conclusion

All things considered, the current social system has subjected indigenous peoples and blacks to virulent forms of oppression that have led to their abuse and neglect.[lxv] The violence seen amongst the communities is a reaction to the violence imposed onto them.[lxvi] The justice system is part-and-parcel of a contradictory state apparatus that operates in a race-neutral but racist manner, which leads to the stratification of Canadian society into haves and have-nots.[lxvii]

POVERTY

Summary

Throughout the conference, both youth and front-line community workers stressed that poverty is overwhelmingly one of the reasons for young people encountering the **criminal justice system**. Many of the youth cited that a sense of moral obligation to follow the law could be negated when faced with the very real situation of having to satisfy their most **basic** and **safety needs**. Also, the youth stressed the importance of programs addressing their pragmatic needs. In addition, frontline worker(s) stated that both racism and poverty is a major challenge, which must be confronted at a policy and institutional level.

Analysis

The argument put forth by the panellists is that the cause of youth crime is poverty and the combination of racism and poverty. They stressed that stakeholders must do something at a policy level, in order to address youth's most essential needs. On the whole, 54% of Canadians are in agreement with the panellists concerning the strong role that poverty plays in the incidence of youth crime; 71% of Canadians believe that youth commit crimes due to illegal drugs and gangs; and, 65% posit that family environment plays a strong role. The disparity between the perspectives between the youth and 36% of Canadians can be accounted for in terms of the areas of where the panellists mostly reside, which includes but is not limited to: Lawrence Heights, Jane-Finch, and Malvern – three of the 13 **priority neighbourhoods** in Toronto.[lxviii]

Explanation/Evaluation

Youth living in what is called the **third city** are subjected to high levels of **concentrated poverty**, which can lead to **immediate risk factors** for youth crime. According to **economic deprivation** theory, capitalism encourages the criminality of the poor considering the elites' exploitation of the working class creates inequality and foists misery onto the less fortunate.[lxix] A young person on panel three affirms this fact when he said that the social construction of society is such that it allows for the privileged to exploit the non-privileged. Particularly, his point was that the appropriation by capitalists of the **surplus value** is a dynamic responsible for the continuing wealth gap between Canada's rich and poor.[lxx]

Poverty is a root cause that must be addressed. However, poverty in and of itself is not the cause of youth crime.[lxxi] If it were the sole-determinant of youth crime than the high levels of poverty in Toronto's **priority neighbourhoods** and Canadian society in general would mean that crime would be pervasive throughout the population – but it is not.[lxxii] [lxxiii] A more correct stance is that taken by a front-line worker on panel three, which articulated that **racialized poverty** and indifference to the social condition of Black, **Aboriginal**, and **racialized** communities can lead young people to feel oppressed and **marginal** to the broader society. In other words, a white child may be poor but a black child is both poor and black and feels that their class and race limits their possibilities.

The Ministry of Children and Youth Services says that, Canada-wide, disadvantaged youth are 30 times more likely than other youth to have involvement in the justice system.[lxxiv] At issue is the discontinuity of services and programs for youth that go back and forth between the child protection and youth justice systems.[lxxv] Case in point, out of the nearly 4,700 young people aged 16 to 20 who were in the care of Children's Aids Societies; fewer than 600 are enrolled in college, trade schools or university.[lxxvi] In contrast, 60 per cent of youth who live with their families end up going to some type of post-secondary education.[lxxvii] Furthermore, less than 45 per cent of youth in care compared to more than 79 percent of young people who live with their parents, will have graduated from high school by the time they are 20.[lxxviii]

The reason for the stark differences is clear; the foster care system in Ontario forces youth to leave foster homes when they turn 18 years old.[lxxix] They must go about looking for an apartment, establishing credit, learning to cook, clean, do laundry, study, get utilities, cable, and work part-time to survive.[lxxx] Granted, these things are important for all youth to learn. However, youth in care are forced to learn all of these things without the emotional supports that a family provides.[lxxxi] Studies in other jurisdictions report that children in care that are forced to leave their foster homes early, are more susceptible to the scourges of homelessness, depression, unemployment and criminal involvement.[lxxxii]

Conclusion

In the final analysis, youth's daily struggle to satisfy needs that many take for granted is indicative of the deeply entrenched poverty that is racially-induced, which persists in urban centres. Further youth in care of Children's Aid societies and foster homes are pushed out of the system and left to navigate life alone in their formative years.

COMMUNITY DESIGN

Summary

The panellists overwhelmingly stated that it is vitally important for stakeholders to support and empower young people to be agents of change in their neighbourhoods. The overwhelming consensus was that youth need supports to bring about solutions that young people in the 13 **priority neighbourhoods** need and want. Solutions can only come from the youth because they trust and respect their peers.

Analysis

The youth advisory councils (YAC) that provide arts, recreational and sports programs were mentioned as important aspects of any healthy community. Also, some youth recommended that the revitalization of the 13 **priority neighbourhoods** be an immediate priority for government. Panellist(s) stated that youth live in such under-serviced neighbourhoods that they prefer to live elsewhere, but do not have the resources to leave. Stakeholders were

encouraged to help support sustainable community institutions such as schools, recreation centres and employment and skills training facilities in the priority neighbourhoods.

The general sense from youth on panel one and at the conference as a whole was that, the material resources and **institutions** in **priority neighbourhoods** should be controlled by young people for young people. That is the reason youth recommended organizational structures such as, youth justice advisory councils located within **priority neighbourhoods** that empowered young people to develop programmatic measures that addressed their own needs.

For one thing, the lack of accessible space for youth to engage with each other in social and recreational activities can lead to **immediate risk factors** that will further exasperate the issue of crime in **priority neighbourhoods**.[lxxxiii] For the most part, youth expressed loud and clear that they must be empowered by stakeholders to take control of organizations in their community in order to make those agencies work towards ends that will better their lives.

Explanation/Evaluation

About 81 percent of **people of colour** in Canada felt that they had experienced discrimination based on their race or ethnic origin.[lxxxiv] While, youth in Ontario stated in a 2008 report that they rarely leave their neighbourhoods, suggesting "a very real feeling of social exclusion from the rest of the city."[lxxxv] **Immediate risk factors** can quickly begin to set in for **marginal** youth that are subjected to racism.

At the same time, youth in **priority neighbourhoods** have the least access to much-needed public transportation services, which is needed for them to get to their part-time jobs and schools.[lxxxvi] For instance, only 24% or 16 out of 68 TTC stations are within or near the city's poor neighbourhoods.[lxxxvii] Needless to say, this factor leads to the immobility of youth and their isolation from the broader society.[lxxxviii]

Priority neighbourhoods are also subject to discriminatory closings of much needed social infrastructure as seen in the Toronto District School Board's recent cost-saving plan to shut down a school in the Jane-Finch neighbourhood.[lxxxix] The board sees it as a much-needed way to cut costs, but more than 250 parents that registered their protest at a community forum see it as another attack on essential services for their children.[xc] If the perspective of youth from the standpoint of teachers, administrators, and trustees is changed to an asset based-approach, where investing in the education of young people is the paramount goal, then recidivism can be curbed amongst youth. The parents' dissatisfaction with the school board stems from the fact that the school board does not invest enough of its resources to educating youth in poorer neighbourhoods in Toronto.

Life for youth in **in-between city** is a serious struggle for peace, justice, and dignity. As evidenced in an interview of an outreach worker that is employed by a youth-led agency that services young people in Toronto's **priority neighbourhoods**; the struggle for dignity by **racialized** people is frustrated when police confront the community.

In his own words, the community worker spoke of being caught up in the recent raid (Project Corral) of 71 suspected gang members in the northwest end of the city.[xci] He particularly spoke of the police pushing his mother to the ground and telling him to "get the fuck down you piece of shit."[xcii] Other youth expressed their astonishment to see him in jail and said that, "if you could get sucked like this, it's not safe for anybody."[xciii] Obviously, the youth were implicitly suggesting that his community work was for naught in the eyes of police, who charged him with participating in a criminal organization. His contact with youth that are either facing criminal charges or have been through the **criminal justice system** is inevitable considering his occupation requires him to engage young people that are considered at-risk.

The principal contradiction in the rationale of police raids is ever present in the comments made by police Chief Bill Blair after Project Corral was executed. He said that, communities may feel terrorized by the raids but police's obligation is to "disrupt and dismantle" gang operations in order to make residents safe.[xciv] For this reason, **vertical violence** and accusations of police brutality by members of the community in cases such as Junior Manon's recent death will only continue to negate any efforts made by police to build bonds of trust with members in **priority neighbourhoods**.[xcv] In contrast, the police perspective of the community is such that it allows for whole sections of the population to be labelled as "criminal," and justifies the mistreatment of **racialized** youth, particularly **racialized** males.

Additionally, according to youth and community leaders, police raids nearly prune the branches of violence, but do not address the social and economic roots that cause violence.[xcvi] More importantly, they speak of new recruits taking over empty turf once controlled by incarcerated suspected gang members and continuing the trade in drugs fuelled by demand external to the community.[xcvii] In the final analysis, this dynamic will continue as long as social justice is put on the back burner of priorities for decision-makers at all levels of government.[xcviii] More must be done on the part of all stakeholders to address the root causes of youth crime.

The concept of **community justice** in some parts of the United States, Australia, Britain, and British Columbia, has taken hold in locales that are anchored in a full spectrum of community resources.[xcix] This approach may be useful in Toronto's **priority neighbourhoods** as a way to strengthen community bonds and provide alternatives for youth.

The main purpose of community justice is to use community programs and alternative sentencing to address the underlying causes that bring accused persons to court in the first place.[c] Additionally, the courts work closely with community advisory councils, as is the case with the mental health courts and other specialized courts in Ontario, as a way to build on community strengths.[ci]

Conclusion
In summary, the poor design of communities leaves youth isolated from; easily accessible public transportation; and vital social infrastructure; and areas where there are high-rises; diverse bungalows; strip malls and wide roads; leaves youth little options in spaces that are privatized, securitized, and difficult to access social and cultural spaces.

ISSUES IN THE EDUCATION SYSTEM

Summary

The sentiment at the conference was that education plays an integral role in the development of youth and their reintegration into society upon completion of served time. A recommendation was for stakeholders to shift their priorities from the criminalization of young people to more social investments in youth, such as education, intervention, and diversion. The youth contended that young people are indeed educated but their education becomes obsolete when they are confronted with poverty. Many panellists gave accounts of their difficulties in completing high school, and expressed that if they had gotten more support from teachers and less punitive measures they would have had an easier time going through school.

Stakeholder(s) moved that the credit recovery program at the Roy McMurty Youth Centre is for naught when youth go back to their social contexts of drugs and gangs. The youth appeared disturbed at a comment made by one stakeholder who expressed that youth are hurting themselves (not stakeholders) when they choose to be involved in gang activity, after being released from the youth centre. Some of the youth expressed that the comment made by the stakeholder was part-and-parcel of a collective mindset that placed more onus on youth than on teachers and administrators who are charged with the duty to teach and mentor their students. All in all, youth stressed the importance of stakeholders understanding that changing the lives of young people for the better required a lifetime commitment on the part of adults.

Analysis

Youth expressed their concerns about the ostensible lack of material and emotional supports (encouragement) that they desired while going through school. They described an environment of frustrated teachers and administrators that used suspensions and expulsions as an arbitrary way to marginalize students. For the most part, youth highlighted the importance of formal education but argued that education comes in different ways and that school is not always for everyone.

Explanation/Evaluation

Before grade nine student Jordan Manners, 15, was fatally shot in the chest at his high school, C.W. Jefferys Collegiate Institute, the *Education Act* did not address the issue of bullying; had allowed teachers to give mandatory suspension to students for one day and up to 20 days by a teacher or principal for serious infractions; and gave principals the power to expel students without considering mitigating factors.[cii] [ciii]

Since Manners' death, changes to the safe schools provisions of the act allowed for; suspensions to be handed out for bullying; gave exclusionary suspension powers to principals; shifted the power of expulsions to school boards that had to consider mitigating factors such as,

age, special needs, and racial harassment, before ordering – suspension, peer mediation, or expulsion.[civ]

The "progressive" changes were made because of pressure from community groups such as, Grassroots Youth Collaborative, Black Youth Taking Action, For Youth Initiative, Black Youth Coalition Against Violence, and many others, that pushed the Ontario government to consider the impact that "zero tolerance" policies had on **racialized** students. Unfortunately, it took the death of Jordan for decision-makers to realize the complicity that rigid safe schools policies had in the criminalization of youth.

New racism is pervasive throughout Canadian society and leaves no stone unturned including educational institutions.[cv] Many **racialized** students find themselves not interested in a curriculum that does not recognize their racial group's contributions to the world. Youth who have gone through the **criminal justice system** in particular feel even more removed. This marginalization within curricula leads youth to feel inferior and averse to learning, which is really their own way in resisting the inculcation of Eurocentric values.[cvi] If these feelings of resistance are not constructively channelled then they can lead to **immediate risk factors** where youth will feel oppressed, and "anti-social" behaviour will surely become a factor in their makeup.

Youth need teachers and administrators that are sensitive to their **belonging** and **esteem needs**; that is, (1) to be part of community, and (2) to be acknowledged by themselves and others for their achievements, and that inspire them to higher heights. Without satisfaction of these needs, it's easy to see why young people can become visionless and dreamless – as spoken to by a conference panellist – they cannot even imagine a world in which they are not subject to racism, **colonialism**, sexism, and every other ism that makes it very challenging for human beings to survive. More importantly, they are unable to see beyond their current conditions and think of ways in which they could actually change the world for the better. This is due to the fact that their educational experience is fraught with negative experiences with the same authority figures that are suppose to lead and inspire them to be agents of change.

Multicultural legislation has given the impetus for school boards to move away from a mono-cultural to a poly-cultural orientation that is inclusive of students from diverse backgrounds.[cvii] However, what school teachers and administrators have failed to recognize is that multicultural education in many jurisdictions becomes a "museum" and "monolithic" approach to the study of complex cultural backgrounds.[cviii] Focus is put on material manifestations of culture such as, festivals, food, and dance, instead of on the underlying values and beliefs that shape different cultural identities.[cix]

Generally speaking, nothing substantively has changed in regards to pedagogy, curricula, or relations between the community and school that would suggest that racism is no longer a factor in Canadian life.[cx] In fact, with multiculturalism comes a racist reproduction of the outside world within educational institutions that perceive **racialized** students as "disadvantaged" and in need of more supports because of the breakdown of their social and

cultural environment.[cxi] Moreover, educational institutions have now become a place of direct contact between the **criminal justice system** and youth with the presence of police as hall monitors. Incidents that were previously the domain of school administrators and subject to their discretion are now subject to police discretion and could possibly end with handcuffs and a trip to the station as opposed to a detention or suspension.[cxii]

For this and other reasons, black parents pushed the Toronto District School Board to implement an Africentric school, first recommended in 1994 by Ontario's Royal Commission on Learning.[cxiii] Parents proactively sought out to do something about the alarming 40 per cent push-out or drop-out rate, depending on one's perspective, of black students in Toronto schools.[cxiv] They and others cited that the main reason that black students are dropping out of school is due to a curriculum that is Eurocentric and safe schools policies that adversely affect black students. Despite the criticisms of the school, the resiliency of concerned community groups, not-for-profits, and particularly parents, paid off and will at least give black students a modicum of attaining knowledge of themselves. That said, it is incumbent upon all stakeholders to ensure that the operation of the Africentric School is to the highest standard possible and is an exemplary of the best education that a child in Ontario can receive.

When the Roy McMurtry Youth Centre in Brampton was set to open in May 2009 it was widely publicized as a "state-of-the-art" facility with cutting-edge treatment and programming focused on the root causes of crime and curbing recidivism.[cxv] However, despite the publicity, Irwin Elman, Ontario's Advocate for Children and Youth began investigating cases of excessive force used by some staff at the centre – after receiving upwards of 20 calls per week from youth.[cxvi] Reports to the advocate ranged from; youth being deprived of food, denied programming and highly suspect body cavity searches.[cxvii] Interestingly enough, youth at the conference also highlighted that they too also experienced questionable body searches and inhumane treatment, during their pre-trial custody, from jail workers.

At issue is the under-staffing of the super-jail and its "vacuum in terms of leadership."[cxviii] In this case, the 22, 000-square-foot facility would actually need close to 200 front-line employees, instead of its current 166, to work directly with youth.[cxix] This is why multi-faith programs run by a chaplain lack the staff to run its diverse programming ranging from, Muslim, Aboriginal, Catholic, Buddhist, and non-denominational faiths.[cxx] In fact, the moderator from panel three in the conference made a critical note concerning the fact that the youth centre did not provide for the specific and particular cultural rites of passage programming needed for youths that are of African-descent. His point really drove home the fact that youth who are **racialized**, particularly blacks, are marginalized in Ontario's schools, jails, and in the wider society.

Clearly, many of Ontario's youth that are dropping out of school at alarming rates are at-risk of being pushed into a dangerously under-staffed youth centre that will only exacerbate the **immediate risk factors** that brought them into contact with the **criminal justice system** in the first place. More must be done on the part of all stakeholders to ensure that the youth centre lives up to its mandate of providing "state-of-the-art" programming that addresses youth as assets and not risks.

Conclusion

To summarize, youth argued for more committed teachers and administrators that were sensitive to their **belonging** and **esteem needs**, and a shifting of orientation in regards to treating youth that are considered at-risk with less punitive measures. The changing of safe schools policies and ethno-racial alternative forms of education were only considered seriously in Ontario after sustained and continued pressure from community groups and parents, and the unfortunate death of 15-year old Jordan Manners. As proven with Jordan's death and the subsequent change of Ontario's *Education Act* to a more "progressive" stance, rigid safe schools policies have been shown that they do not address the needs of youth. Only with a comprehensive approach from educators that is inclusive of the specific needs of youth, can the challenges that face young people be minimized. Ontario must try harder to make its youth facilities more inclusive of all young people and actually live up to their mandates of addressing the root causes of crime and stemming the tide of recidivism.

LACK OF ECONOMIC OPPORTUNITY FOR YOUTH

Summary

Youth stressed the importance of community organizations and not-for-profits giving youth opportunities with criminal records to be employed as front-line workers and executives, as a way to prevent young people to resorting to illegal ways to earn money. According to the speakers, the youth need more flexible community organizations and not-for-profits that will seriously consider the implementation of non-traditional hiring practices, to allow youth in conflict with the law to earn income, and learn and improve on their skills. More importantly, they argued that organizations would be considerably enhanced if they hired youth in conflict with the justice system since other disadvantaged youth may be able to identify with someone that has been in their shoes. On a different note, some youth mentioned that the funding of youth-led organizations was not a transparent process and urged stakeholders to work on ensuring more accountability for the valuable resources that organizations have been entrusted. Most interesting about these sentiments is that the youth never mentioned the government as playing a role in providing employment opportunities for them. It is good that youth see community organizations as a valuable resource in their personal development, but governments elected to serve the people need to make this a priority as well.

Analysis

Many of the youth echoed the same sentiments of young people in the Grassroots Youth Collaborative (GYC) Report, *Rooted in Action (2008),* concerning the lack of economic opportunity for youth and the concomitant lack of sustainable funding for community organizations and not-for-profits. Two years after the GYC Report, it appears that the outcry by youth is even more significant considering that out of the $46.6 million committed to the Youth Challenge Fund (YCF) for 111 youth-led initiatives in Toronto's **priority neighbourhoods**, $42.5 million has already been invested.[cxxi] That leaves a number of questions: how will the 111 initiatives sustain themselves after their funding is complete? How will they build capacity to bring about systemic change? More importantly, how will the 17 youth-designated spaces across **priority neighbourhoods** continue to be sustained? For the purposes of this report, these questions are even more pertinent to youth that have criminal records and are currently involved with the justice system.

Explanation/Evaluation

Although, the issue of employment for young people with criminal records and the sustainability of youth-led community organizations and not-for-profits are important to address, it cannot be disconnected from the fact that there is an environment of competition within the youth-serving system in the Toronto area.[cxxii] The ongoing funding of short-term projects has pitted organizations against each other, for much needed funding through "Calls for Proposals."[cxxiii] Consequently, this competitive environment has caused organizations to

jealously guard their intellectual property, and even created a situation where **institutions** are actually working in cross-purposes and duplicating programming.[cxxiv]

More specifically, many organizations have cited that the structure that funders have outlined is complex and requires specific targets that force them at times to repackage their programs to be competitive.[cxxv] For example, several stakeholders in the United Way Report, *Toronto's Youth Serving System,* stated that the needs of neighbourhoods and communities have led to a significant number of projects that address the criterion of "guns and gangs" at the expense of prevention initiatives.[cxxvi] That is to say, that not only is the funding done on a short-term, project-basis, but it is also myopic (short-sighted). Above all, this type of funding of youth-led community organizations and not-for-profits leads groups to compete for projects that address symptoms of youth crime instead of root causes.

The competitive environment also forces organizations to provide more value for funders' money at the lowest price within their proposed budgets.[cxxvii] Consequently, this process has led to the devaluing of staff salaries.[cxxviii] The point being once again that the funding structures have created an environment of competition that is non-sustainable and ineffective in dealing with issues that affect youth, substantively.[cxxix] In the long run, this cycle of "Call for Proposals" is detrimental to organizations in the youth-led serving system and to youth in general.

There must be a reorientation of priorities in the youth-led serving system that requires stakeholders to focus on long-term, core funding that sustains programs and staff. It should be clear to stakeholders and funders in particular, that their relevance and usefulness to the youth that need them most will continue to diminish if funding of projects continues in this visionless manner.

In addressing the issue of hiring youth with criminal records, it may be construed from the recent analysis that since organizations compete for short-term, project-funding, that it may be easier to hire youth that are lower skilled – since organizations significantly cut their budgets to compete. However, this is not the case according to youth that spoke at the conference, concerning a sector that they see as putting up a "glass ceiling" for youth, which are involved with the justice system.

The stigmatization of youth with criminal records should be a serious concern for stakeholders in the youth-led serving system since organizations suppose that they are inclusive of all young people. More importantly, stakeholders are losing great value if they are truly in fact discriminating against youth with criminal records. Nation Cheong, the director of community engagement and grants of YCF describes the consequences of exclusionary policies, he says:

> "What we are doing is constantly recycling the ones who are doing OK and we have not been making any impact in the communities that have the greatest need where youths are facing multiple barriers, and building on the assets and strengths of those young people."[cxxx]

He goes on to describe the value that youth who have faced great adversity can bring to their communities, when he says that:

> "It's not about the building and the programs anymore. What we need in our community is a greater body of young people who have lived experiences of surviving under poverty, making tough choices and creating a path of success out of it. It's about young people saying that is how I want to build my community and you owe me the time to give me the skills to do what I have to do because I know what it's like to grow up with a single mother and to see three of my friends dead before I reach the age of 13. These are not things you can study at a university and then come and tell me how to run my community."[cxxxi]

This fact was confirmed by many of the panelists who said quite forcefully that, youth actually residing in **priority neighbourhoods** and who have been through the **criminal justice system** can be far more effective in engaging other young people in conflict with the law. Some of the speakers did concede the fact that young people who are university educated can also be effective, once they are engaged with troubled youth in an authentic manner – based on mutual respect.

Government agencies are no less implicated in creating employment opportunities for youth with criminal records. The Federal Public Sector Youth Internship Program partners with the YMCA as part of Ontario's Youth Employment Strategy to place unemployed and underemployed youth within government agencies to gain work experience and skills. The youth employed by the various government institutions are paid and employed by YMCA and not specifically the agency. The youth work under a mentor who teaches them specific skills related to the position. This program needs to be extended to specifically include youth with criminal records. Affiliated and participating agencies need to be encouraged to accept youth into positions under the program. This would go a long way to providing youth with criminal records opportunities to gain valuable skills, work experience and references, putting them on a path to financial and personal success.

Conclusion

In the final analysis, the youth-led service system lacks an overall policy vision that addresses the root causes of youth crime, and is unified under one division of youth services. The two functions of sustainability and capacity-building, let alone the employment of youth with criminal records, is not a viable option if the sector continues to fund short-term, project-based initiatives. There must be a change in philosophy that focuses on unifying the youth-led service system under a larger sustainable organization. Moreover governments need to extend the resources in particular the Youth Employment Strategy to specifically include youth with criminal records.

CONCLUSION

"The youth justice system must reflect the fact that young persons lack the maturity of adults. The youth system is different from the adult system in many respects, including: measures of accountability are consistent with young persons' reduced level of maturity; procedural protections are enhanced; rehabilitation and reintegration are given special emphasis; and the importance of timely intervention is recognized".

This is part of the declaration of Canada's Youth Criminal Justice Act, Bill C-7. It reflects the underlying reasons for a separate criminal system for youth, an assumption that they lack a certain maturity, can be rehabilitated and that the criminal justice system has a responsibility to ensure these underlying assumptions are realized procedurally. The experiences of the panellists at "Youth Speak!" spoke to amnesia by the criminal justice system about these intended assumptions and responsibilities of the youth criminal justice system and its administrators. This report argues for all stakeholders (i.e. police officers, teachers, parents, parole officers, correctional officers, lawyer and judges) to improve the life of youth so that they are less vulnerable to becoming involved in the criminal justice system and where they have been vulnerable are able to rely on the appropriate supports to be reintegrated into society.

Through this understanding; this report highlighted that the youth justice system lacks a vivid and comprehensive youth justice philosophy and praxis which adequately addresses the **basic** and **safety needs** of young people. Recommendations are provided below to stakeholders in relation to the information presented at "Youth Speak!" in order to address the gaps within the youth justice system.

RECOMMENDATIONS

These recommendations are based on remarks made by youth and have been informed by secondary sources. The recommendations have been made general enough to allow stakeholders to incorporate the ideas with respect to the particularities of their respective organizations.

1) Stakeholders (community organizations and the not-for-profit sector) must coordinate their efforts towards developing an umbrella youth-led – *Division of Youth Services* – focused on uniting youth leaders in social enterprise, arts/culture, education, and justice initiatives, to provide ideological, strategic, material, and organizational support to the various initiatives across the city of Toronto and in the province of Ontario.[cxxxii] [cxxxiii]

   One duty for the agency should be to develop a *Department of Children Affairs* (ages 5-12) with diverse sets of programs targeted towards educating children.[cxxxiv] Among other things, the agency needs to focus its efforts on the acquisition of real property for projects to help prevent and reduce homelessness and provide for the **basic** and **safety** needs of youth. Properties can be acquired through the *Surplus Federal Real Property for Homelessness Initiative* (SFRPHI), a funding stream of the *Homelessness Partnering Strategy* (HPS) at Human Resources and Skills Development Canada.

   It is important that the project is led by youth (students and non-students) and is truly a collective effort under the coordination of an *Organization Committee* composed of representatives from diverse community organizations and the not-for-profit sector.[cxxxv] The agency ought to be held accountable to its youth membership and be sustained through membership dues. It should be led by a Chairman and Council of Leaders. **Aboriginal** and black youth must be adequately represented in the leadership positions of the organization and their voice must be heard.

2) Stakeholders must specifically address **racialized poverty** through **equity** programs, where broad community consultations that incorporate the ideas of youth from the Black and **Aboriginal** communities are a priority.

   a) The Government of Ontario must specifically address **racialized poverty** within its *Poverty Reduction Strategy (PRS).* The PRS does not include within its mandate the eradication of **racialized poverty**, just poverty. This report has shown that there are high incidences of poverty amongst Ontario's **racialized** communities and that there must be a specific targeting of **racialized poverty** within the strategy, to effectively reduce its effects on **racialized** people. Specifically, there must be a concerted effort to eradicate poverty amongst Canada's black and **Aboriginal** Communities.

3) Human Resources and Skills development Canada should extend their Federal Public Sector Youth Internship Program (FPSYIP) to specifically include youth with criminal records. Through incentives the government needs to encourage its participating ministries and employers to create space to accommodate these youth and ensure that skills are passed on to them.

4) The Ministry of Children of Youth Services must implement an integrated service plan that addresses young people's needs, with common case-management across the foster and justice systems.[cxxxvi] Instead of labelling youth with needs as risks the foster care and justice systems should actually support young people that have been referred for assistance.[cxxxvii]

   a) The age of ability for Extended Care and Maintenance (ECM) should be raised to 21 years old to help youth successfully transition out of care to adulthood.[cxxxviii]

   b) The Government of Ontario must change foster care rules to allow youths to remain in the foster home until 21 or until they have completed their high school education.[cxxxix]

5) To realize the Youth Criminal Justice Act mandate of alternative sentencing to incarceration. The implementation of community justice in **priority neighbourhoods** should be an essential task of all stakeholders – to curb the feelings of alienation – that youth may experience in traditional courts, where at times they face insensitive crown attorneys and judges.

6) It is the youth criminal justice system so youth within the criminal justice system need to be present at decision making tables to provide community context. This cannot be a tokenized process; trainings and decision-making contexts must be provided to the young people sitting at these tables. There must be more than one youth at each decision table as advisors or voters. Representation from those communities with the highest engagement in the Youth Criminal Justice System should be at these tables.

7) Stakeholders must address the needs of disadvantaged youth and go about closing gaps in their services. A step to doing so is by giving a collective voice through youth-led organizations in municipal and provincial planning design processes that are traditionally not inclusive of youth, to design spaces for young people.[cxl] Again, young people are intelligent stakeholders that can speak to their own needs, wants and interests. The consequences of leaving youth out of planning sessions that decide on inclusive parks, open spaces, and broader design issues, are dire and will lead to further alienation of young people. The formal implementation of Youth Advisory Councils in planning would also ensure succession and skills training being imbued upon the leaders of the future.[cxli]

8) The victimization of residents at the hands of police in certain neighbourhoods must be addressed by decision-makers in all levels of government through checking the unprofessional behaviour of law enforcement officers through citizens lead organizations that are neutral. Community members should be engaged in co-leading a process of creating what this accountability looks like.

9) There must also be a real and sustained effort to have more **racialized** police officers from **priority neighbourhoods** and a culture shift in law enforcement services towards crime prevention.

10) Anti-Oppression/ Anti racism work must be done within all levels of the Criminal Justice System. External Community organizations should lead these trainings.

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cxxxix   Rowden, "Hazardous passage."

cxl   McMurtry, 51.

cxli   McMurtry, 51.