



Ryerson  
University



## THE CROSS-OVER YOUTH PROJECT

### Belleville Site

Dianne Luca

In Completion of the Major Research Paper required for the Masters of Arts in Child and Youth Care, Ryerson University

In consultation with:

Dr. Judy Finlay, Principal Investigator & Co-Chair, Provincial Steering Committee

Justice Brian Scully, Co-Chair, Provincial Steering Committee

Justice Elaine Deluzio, Co-Chair

Penny Peters, Co-Chair, Highland Shores Children's Aid Society

Debbie Woods, Executive Director of John Howard Society

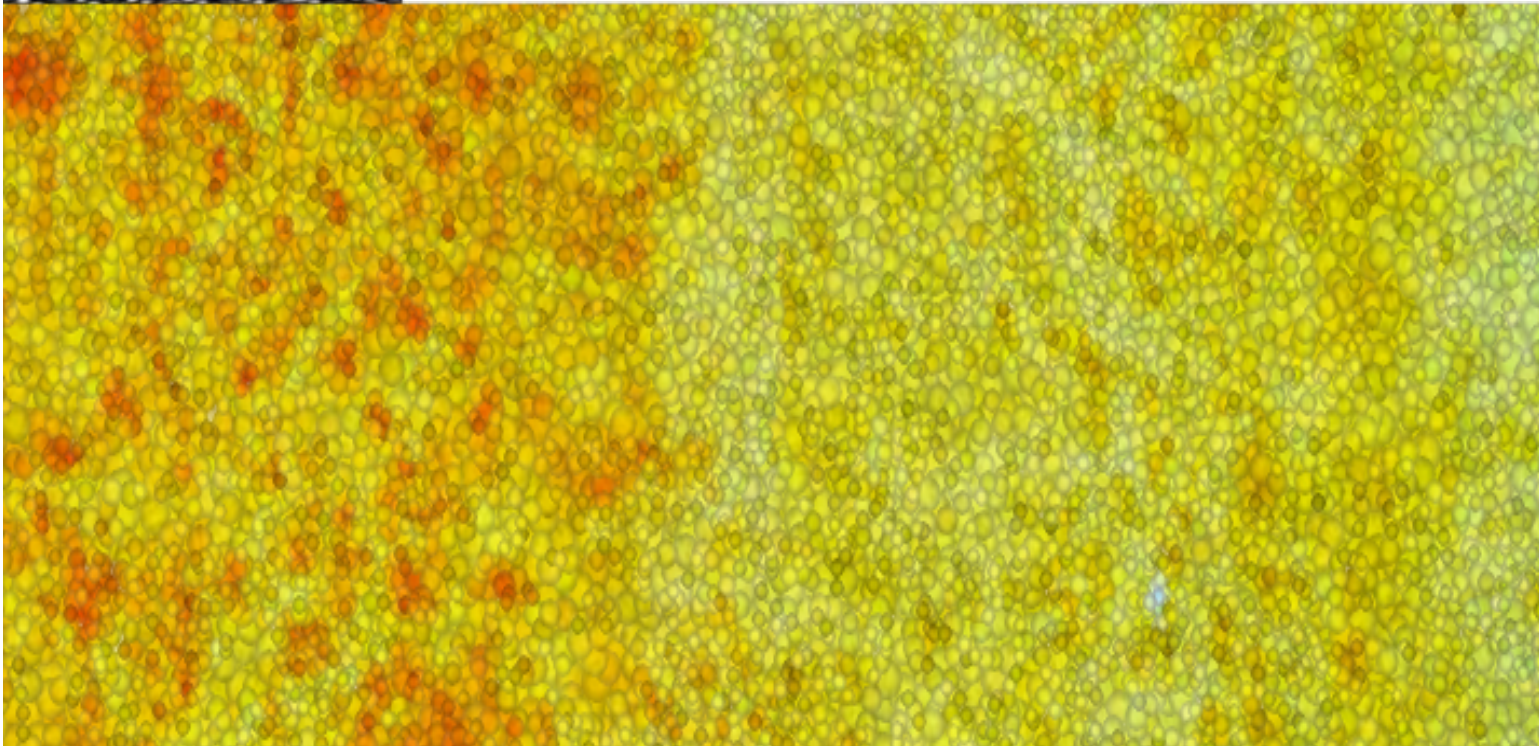
Liz Bosma-Donovan, John Howard Society, Case Conference Facilitator

Matthew-Eaton Kent, Resource Coordinator

Tara-Rose Farrell, Communications Coordinator

Peter Dicks, Communications Coordinator

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**BELLEVILLE SITE**



**B**elleville is a small urban area located in Ontario, Canada. It is situated along the Moira River and serves as the seat of Hastings County. Belleville has a growing population with almost 70,000 residents. It is surrounded by rural areas such as farms, vineyards and cottages, and extends up to Bancroft. Prince Edward County is a headland that borders Lake Ontario. In addition to the Belleville city centre, the city of Belleville also comprises a number of villages and hamlets, including the following communities: Bayshore, Cannifton, Corbyville, Foxboro, Frink Centre, Gilead, Halloway, Honeywell Corners, Latta, Loyalist, Philipston, Plainfield, Pointe Anne, Roslin (partially), Thrasher's Corners, Thurlow, Thurlow South and Zion Hill.

Most of the residents in Belleville are of European descent; over 90% of the population identifies as White, while 4.4% identify as Indigenous, over 3% are Asian, and less than 1% are Black, Latin American, Arab, or biracial. The median age of residents is 43.5, which is higher than the national average.

The city is serviced by two child welfare agencies, Highland Shores Children's Aid (HSCAS) and Dnaagdawenmag Binnoojiiyag Child and Family Services (DBCFS).

There are two major school boards, the Hastings and Prince Edward District School Board and the Algonquin and Lakeshore Catholic District School Board. The Hastings and Prince Edward District School Board operates 39 elementary schools and 8 secondary schools. The Algonquin and Lakeshore Catholic District School Board operates 36 elementary schools, 5 secondary schools, 1 adult learning centre and 2 outdoor education centres.

The City of Belleville is policed by the Belleville City Police Service. There are 96 sworn officers, 45 full-time civilian support staff and 11 part-time civilians. There is also OPP Quinte West detachment, which is a large municipal OPP Detachment under contract to provide policing in the City of Quinte West. The Detachment comprises 57 uniformed members and 12 civilians. The city, which is the county seat, has grown into a regional centre for the Bay of Quinte area, and is a hub for surrounding towns and a gateway to Prince Edward County.

There are two Ontario Court of Justice youth criminal courts in Belleville: the Quinte Courthouse, located at 15 Bridge Street, and the Picton Courthouse, located at 44 Union Street. The Quinte youth criminal justice court operates once a week in Belleville. Youth who require bail are serviced by the adult court that operates every weekday. The Belleville-Quinte courthouse covers the jurisdiction of Belleville city and the surrounding area of the county seat. Matters are handled separately within the jurisdiction of Bancroft. The Picton Courthouse is only open once: one day for youth matters every 4-5 weeks. Youth detained in Picton have their bail hearings in Belleville, and similarly for Bancroft. The Judges that sit on Belleville also sit in Bancroft and Picton on a rotation. Hastings and Prince Edward County are serviced by the same Ontario Court of Justice jurisdiction.

## TABLE OF CONTENTS

6	<b>ACKNOWLEDGEMENTS</b>
8	<b>EXECUTIVE SUMMARY</b>
14	PART 1: PREAMBLE
14	PART 2: BACKGROUND
16	PART 3: ORGANIZATIONAL STRUCTURE AND TEAM COMPOSITION IN THE BELLEVILLE SITE
17	PART 4: THREE ESSENTIAL PILLARS OF PRACTICE
18	PART 5: EVOLUTION OF CASE FACILITATION AND CONFERENCING
20	PART 6: COY IDENTIFICATION AND REFERRAL SOURCES
21	PART 7: THE IDENTIFICATION AND UNDERSTANDING OF EMERGENT THEMES
22	PART 8: TYPES OF CASES
23	PART 9: DEMOGRAPHICS
25	PART 10: THEMES
25	10.1 Theme One: Trajectory from Guardian Home into the Youth Criminal Justice System
25	10.1.1 Overview
26	10.1.2 Pathways
26	10.1.3 Referral and Entry
28	10.1.4 Initial Placement
29	10.1.5 Placement Instability
31	10.1.6 Initial Contact with the Youth Justice System
34	10.1.7 Deeper Penetration into the Youth Justice System
34	10.1.8 Transition to Independence Barriers
35	10.1.9 Institutional Context
35	10.1.10 Group Care Settings: Charging Practices
37	10.1.11 High Staff Turnover: Actors versus Advocates
39	10.1.12 Oppressive Institutional Cultures
39	10.1.13 Case Study
40	10.1.14 Discussion
43	10.1.15 Summary
45	10.2 Theme Two: Psychosocial Impacts of Placement and Criminalization
45	10.2.1 Overview
45	10.2.2 Trauma: A Spoken Word
46	10.2.3 Trauma
47	10.2.4 Stigma
47	10.2.5 Isolation
48	10.2.6 Recycled Narratives
48	10.2.7 Educational Disruption
49	10.2.8 Case Study
51	10.2.9 Discussion



55	10.2.10 Summary
56	10.3 Theme Three: Youth Justice System Processes
56	10.3.1 Overview
57	10.3.2 Administrative Charges and Multiple Jurisdictions
58	10.3.3 Pre-Trial Detention
61	10.3.4 Push or Pull Factors: Criminalizing a Young Person's Desire to Belong
62	10.3.5 Diversion: Success and Outcomes
63	10.3.6 Case Study
65	10.3.7 Discussion
66	10.3.8 Summary
68	10.4 Theme Four: Youth-Centring
68	10.4.1 Overview
68	10.4.2 Peer Mentorship
69	10.4.3 Advocacy
69	10.4.4 Voice
71	10.4.5 Youth Partnership
72	10.4.6 Meeting Cross-Over Youth Where They are At
72	10.4.7 Awareness Raising
72	10.4.8 Case Study
73	10.4.9 Discussion
76	10.4.10 Summary
78	<b>SUMMARY</b>
81	<b>CONSIDERATIONS FOR POLICY AND PRACTICE</b>
86	<b>REFERENCES</b>
98	<b>APPENDICES</b>

## *Acknowledgements*

I want to thank Dr. Judy Finlay and Justice Brian Scully for identifying Belleville as one of the sites for the Cross-over Youth Project.

Belleville was chosen because we have multiple group homes located in our area, housing young people from all over the province, including remote northern First Nations communities. As a consequence of this reality, the Youth Justice stakeholders in Belleville have been challenged for many years by the significant number and complex needs, of young people living in these group homes who “cross over” from the child welfare system into the youth justice system in the Belleville area.

I want to especially thank my co-chair, Penny Peters, and the members of the Cross Over Youth Steering Committee in Belleville who regularly attended our meetings, shared ideas, offered solutions and enthusiastically supported the Cross Over Youth project, including Mark Brinklow (Tyendinaga Youth Justice); Lisa Clarke ( Youth Probation), Rhonda Lummiss ( Youth Diversion – COSP), Pieter Kort ( Defence Lawyer), Paul Lemain ( Children’s Lawyer), Patrick Menard ( Prince Edward OPP) and Debbie Woods ( John Howard Society).

The support of the local Crown Attorney’s office was invaluable, and I want to thank, in particular, Assistant Crown Attorneys, Michael Lunski and Paul Layefsky, who were the assigned Youth Crowns during most of the project. Both Mr. Lunski and Mr. Layefsky participated in case conferencing to develop meaningful interventions that reflected the complex day to day realities experienced by youth residing in group home care, including the increased use of post charge community- based diversion programs for these young people.

The funding from the Youth Justice Fund, Justice Canada, gave our community the flexibility to experiment with new approaches and to offer more meaningful, community based events and programs for these youth.

For the second half of the project, the Case Conference Facilitator position was filled locally by former CAS worker, Lis Bozma-Donavon, and overseen by Debbie Woods, Director of the John Howard Society.

The John Howard Society’s Community Hub for Youth became the home base for the Cross Over Youth project, and funding from the Laidlaw Foundation and the United Way allowed us to hire Youth Peer Mentors.

These young mentors, Liam Smith and Bailey Beattie, attended and presented at steering committee meetings and they attended youth court where they worked hard to establish connections and provide ongoing support to cross over youth.

Liam and Bailey, both intelligent, articulate, and insightful young adults, were willing to share their own lived experiences as cross over youth and their contribution to the Cross Over Youth project was immeasurable.

They challenged long standing assumptions and offered concrete solutions. Their message to our committee was loud and clear.

Young people need to be part of the solution to their problems and their voices need to be heard.

We need to work harder as youth justice stakeholders, to engage these young people and listen to their voices, as we develop a community based, collaborative approaches aimed not at criminalizing or incarcerating these youth but at improving their long term outcomes by helping them to establish meaningful connections with people and programs within their communities.

Justice Elaine Deluzio



## EXECUTIVE SUMMARY

The Cross-over Youth Project (the Project) was designed as a four-year pilot project, and set out to implement and evaluate a range of best practice options that were aimed at improving outcomes for young people who were dually involved in the child welfare (CW) and youth justice (YJ) systems in Ontario. The four sites were: Toronto, Thunder Bay, Brantford, and Belleville. The intent in the Belleville site was to develop intersectoral solutions to issues cross-over youth were facing when they entered the justice system and to change the system's responses. The Belleville site was selected due to the high number of group care settings in the locality. There is international recognition of group care settings as a gateway to the youth criminal justice system. The community also recognized the issue, and were dedicated to cultivating a systems response to better meet the needs of cross-over youth. Many young people from other jurisdictions are placed in Belleville. This caused problems of communication and coordination within and across multiple sectors between and within jurisdictions.

Because it was a Pilot Project, the intention was to innovate solutions for the cross-over youth in Belleville who by definition had a complex range of needs in a multi-layered, complicated system of services. The service to be provided by the Project, according to the funded proposal, was case coordination and conferencing. This service provision in Belleville, as in other sites, was to be short-term (one year), and was created to potentially learn a range of preferred practices from the experiences of the Case Conference Facilitators (CCF), the youth themselves, and the service providers. These preferred practices from Belleville, and across the other sites, would inform the components of a service model for cross-over youth. Also, because of the nature of a pilot approach, new strategies for service provision could be attempted during the pilot period in an effort to influence outcomes. The Resource Coordinator (RC) had oversight into the systemic implications of the lessons learned, and translated these to the other sites when applicable. The two-tiered method of intervention, i.e. case and systemic level, was introduced from the outset of the Project. As the Belleville site commenced, there were some human resource issues, which were solved by the Project being devolved to the Belleville John Howard Society (JHS). JHS provides a wide-range of supports and services to dually-involved youth in the community, ranging from education to supervision programs. The organization is reputable, accredited, and widely respected in the community. JHS from the outset was an extremely enthusiastic partner. The Project, Belleville site hired a new CCF, who had a presence at the Picton and Quinte Courthouse from April 2018 until June 2019.

Attention was given by the team to explore the troubling circumstances, which could potentially generate poor outcomes for youth. In this respect, more consultation and study were required to better understand these patterns than was intended or proposed when designing the overall Project. Efforts were made to consolidate and analyze the case information beyond what was provided by the simple case management database introduced in Toronto, as the first pilot site and extended to all sites. Some relevant trends were confirmed through empirical analysis of case-related statistics, even though the sample size was small. It must be noted, however, that the lived experience of the young people, and the intense case involvement by the CCF, generated very rich information for a deeper understanding and



analysis. This gave unprecedented insight into the patterns related to service demands and limitations across YJ and children's service sectors that impacted outcomes for cross-over youth and compelled action. Whenever possible and appropriate, case analysis and confirmation of trends was sought at the other sites. Overall, the patterns arising, the lessons learned, and protocols designed to influence practice at the inaugural site, informed the other three sites. An independent evaluation component by Ryerson University Researchers conducted a Network Analysis Research Project to provide another layer of understanding and insight as it relates to the trajectories of young people from the CW to YJ system, and how the resulting consequences could be ameliorated. Specifically, this research studies connections between stakeholders and how they changed when the Project began interacting with the community. Interviews and analysis have been performed. It will provide further insights once it is finalized.

The Project at the Belleville site had the advantage of being guided not only by the Belleville Steering Committee (see Appendix 1), but also the Belleville's Executive Committee, chaired by Justice Deluzio, Penny Peters from Highland Shores Children's Aid Society, and Debbie Woods from JHS. The site received support from the Provincial Steering Committee, and representatives frequently attended meetings for advisory purposes. The CCF and JHS Youth Peer Mentors were the core staff at the Belleville site. They worked alongside the provincial team at Ryerson, which included the Co-Chairs, the Resource Coordinator, the Youth Engagement Coordinator, the Administrator, and graduate placement students.

The Toronto site established the provision of three essential pillars of care: youth-centring, anti-oppressive practice, and trauma-informed practice. As the inaugural site informed Belleville, these pillars were the starting point for successfully meeting the needs of young people involved with multiple systems, sectors, stakeholders, and service providers. When introducing these concepts, it is important to acknowledge that there exists a three-way relationship between individuals, institutions, and society. Staff function within institutions/agencies in ways they are expected to, and institutions function in ways that they have permission to, based on larger societal norms and values. The relationships are also highly symbiotic, given that all three are interconnected. Therefore, any significant value shifts require changes at all three levels. When the individual/staff develops an understanding of the structural factors that are at play, they can begin to more appropriately examine their own beliefs, perspective and practice. Only then can they identify and sustain strategies for implementing youth-centred, anti-oppressive and trauma-informed practices, and also be clear about the outcomes they are attempting to achieve. For these reasons, it was appreciated, particularly as the Project matured, that these were very difficult principles to instill within not only entrenched institutional settings, but also forward-thinking community-based agencies. However, an understanding of the former is crucial to uncovering how structural forces push young people deeper into institutions. The Project defines a deeper push into the CW system as moving from a voluntary agreement to either a society or crown wardship, whereas a deeper push into the YJ system is classified as obtaining additional youth criminal charges, often more severe charges (i.e. mischief under \$5,000 to an assault charge).



A primary operational expectation of the pilot sites was to form a youth advisory committee to guide and inform the work of the steering committee and the Project team. The Belleville site formed a youth advisory group comprising young people with lived experience at the beginning of the Project. The youth advisory committee was paramount to Belleville's success in upholding the pillar of youth-centred practice. Challenges arose among the youth, due to the intensity of the discussions that took place related to the themes arising in the Project.

Youth participants for casework in the Belleville site were identified through referrals from existing court personnel and stakeholders. The implementation of a permanent and consistent cross-over youth identification and referral process was not a challenge for the Project due to community buy-in from court stakeholders. The integration of the CCF at JHS and ongoing presence in the court enhanced existing connections to stakeholders and offered opportunities to concentrate on strengthening relationships. JHS allowed for a streamlined hub to connect youth to services and supports. Once achieved, the Project focused on strengthening a youth-centred approach amongst stakeholders and service providers. Intersectoral collaboration and youth centring was crucial to meaningful and productive case conferences. Although informal case conferences were used most frequently, court-ordered case conferences were an excellent resource, especially when the CCF faced obstacles in bringing together stakeholders to engage in collaborative planning with the young person. It was not uncommon for the CCF to facilitate numerous case conferences with various formats over the duration of a young person's involvement. Conferencing was found to be most fruitful when the youth were able to express their wishes and opinions. This was most effectively facilitated by the JHS Youth Peer Mentor. It was also demonstrated that, for case conferences to be successful, all the stakeholders in a coordinated partnership had to take a dedicated role in maintaining communication. One of the challenges was that there is a diverse and complex range of stakeholders across multiple sectors in Belleville, further compounded due to many out-of-jurisdiction youth the Project supported. Each case involved a completely unique set of stakeholders. To mitigate this, the CCF spent a significant amount of time before, during and after case conferences scaffolding relationships between stakeholders and service providers, fostering a culture of youth-centring amongst case conference attendees, and ensuring stakeholder follow-through on agreed-upon action items in preparation for and following case conferences. This was time- and resource-intensive, but the most necessary part of the role to ensure sustainable outcomes.

Given the scope of the Project, the number of brief and full-service cases was restricted to a total of 35 combined. The CCFs were able to work intensely with only 20 cross-over youth. However, these 20 cases were very time-consuming and resource-intensive. The other 15 cases were classified as brief-service. Brief-service cases were limited to consultations, advice and guidance to inquirers, or a referral to other resources. The Project's court-centric case conference and community-based model lent itself to a rich understanding of systemic issues and gaps in service provision, and aided in the development of best-practice model components and protocols. Twenty cases over a year period reinforced the value of this intensive work. An in-depth analysis of case-notes and discussions with the CCF revealed patterns and trends from which four noteworthy themes emerged. In summary, themes were generated by the gathering of the narratives found in the case files and by the subsequent



interpretation of the patterns that then emerged. Each theme could not stand alone as they are inextricably intertwined. They served as the basis for understanding the trajectory for cross-over youth from the CW to the YJ system. The Project was able to demonstrate a typical journey for a cross-over youth navigating a complicated, unfriendly, and often retraumatizing system. It also piloted strategies to interrupt this trajectory, such as approaches to intersectoral collaboration, stakeholder engagement, case conferencing, knowledge exchange and training, protocol development and introduction, mechanisms for youth engagement, peer mentorship, and advocacy tools and approaches. The three pillars which underscored all service provision were trauma-informed care, anti-oppressive practice, and youth-centring. The Project put in place models of practice, protocols, and training initiatives that honored these core principles. However, the most effective strategy utilized by the Project to influence change was the role modelling of relational practice that respected the voice, lived experience, and inherent agency of cross-over youth. This approach with young people translated to the plans of action which became the vehicles for innovation and change at the broader systemic level.

Twenty cases during the course of a year reinforced the value of this intensive work. An in-depth analysis of case-notes and discussions with the CCFs revealed patterns and trends from which four noteworthy themes emerged. A brief summary of each theme follows:

### **Trajectory from Guardian Home into the Youth Justice System**

A review of full-service case files in the Belleville Site revealed that the slight majority of young people (59%) entered the CW system due to parent/teen or parent/child conflict, whereas 41% of youth entered CW due to protection concerns. While the Project supported 20 full-service youth, for three young people, their reason for entry into CW was unspecified. Recent literature examining the experiences of cross-over youth has suggested that the younger a child is upon their entry into the CW system, the more likely they are to deeply penetrate the youth criminal justice system (Australian Institute of Health and Welfare, 2017). The findings from the Belleville site, align with the literature in Australia. Recent international literature has established that placement instability has more of a substantive impact on a young person's offending patterns, rather than the placement in out-of-home care itself (Ryan & Testa, 2005; Widom & Maxfield, 2001). The Project identified trends in case notes that group care service and operations acted as a cause for placement instability. Placement instability was seen to arise as a result of frequent moves within the CW system, triggered by elements of 'care criminalization'. The Belleville site witnessed a trend whereby a young person was moved into a new group care setting, and procured additional charges. With every move, a young person commences a psychological process. However, if this process is disrupted, a myriad of problems arise. More than half of full-service youth had a home CW agency outside of the Belleville jurisdiction. Recidivism was a common theme in the Project. Regardless of a young person's reason for entry into care (either protection concerns or parent-teen/parent-child conflicts), when in out-of-home placements, those operators framed the young person within the context of community safety concerns. As with their initial involvement with YJ, recidivism among cross-over youth was seen by the CCF to be linked to placement instability. Notably, 60% of youth received their first charge while residing in an out-of-home placement. This trend speaks to the



need for appropriate training for service providers who interact with cross-over youth, specifically as it relates to child serving agencies considering how to plan for permanency and positive youth development outcomes.

### **Psychosocial Impacts of Placement and Criminalization**

The Project found that all full-service youth had mental health needs that arose from trauma and loss, which often went mismanaged. The Project supported 11 youth, or 55%, that had been formally diagnosed. However, there were no familial supports or resources put in place for the families to negotiate the challenging behaviours of their youth. Cross-over youth represent a unique population of young people, many of whom are deeply impacted by histories of early childhood trauma and neglect. The impact of trauma on young people often presents itself through substance abuse issues, multiple mental health diagnoses, and difficulties in developing and maintaining healthy relationships (Oudshoorn, 2015). While not all young people who have histories of maltreatment become involved in the justice system, far too often their externalized expressions of trauma are criminalized. This is especially the case for young people with CW involvement, particularly youth who are placed in group care settings. This theme highlights the issue of group care placements and related charges as observed by the Project. The literature has theorized that there is not a direct link between a child's involvement with the CW system and a subsequent involvement in the YJ system, but rather that a past history of trauma leads to involvement with the CW system, and this past trauma also leads to behaviour that brings the child into conflict with the law and involvement in the YJ system (Bala, Finlay, De Filippis, & Hunter, 2015, p.7). The correlation between child maltreatment, trauma, and a young person's involvement with the YJ system is well-documented. Young people who are involved in the CW and YJ are likely to carry with them experiences of trauma, many of which can be referred to as complex trauma, due to the persistence and pervasiveness of these traumatic experiences (Bath, 2008; Hanauer, 2015; Oudshoorn, 2015). Greater attention needs to be paid to services and interventions that interrupt this pipeline, such as proactive support and trauma-informed approaches to care. In reference to bail programs and group-care charging practices, there must be greater discretion by key stakeholders that aim to limit the over-use of police interventions. The lack of standards of care in these settings must also be consolidated in regard to quality of care. In conclusion, the psychosocial impacts of placement and criminalization for the full-service cases were understood to be experienced as trauma, stigma, isolation, recycled narratives, and educational disruption.

### **Youth Justice System Processes**

Identifying and attending to the needs of cross-over youth requires stakeholders' recognition of the multifaceted reasons for their justice involvement. Often these seemingly "behavioural issues" have funneled them from the CW to YJ system due to group-care practices, as confirmed by the Project. Group care operators are enticed by the high daily rate paid by CW for youth with "complex" needs. Yet for-profit operators are motivated to keep expenses down to maximize their profit from the placement revenue. As a result, youth are pushed deeper into



YJ due to fraudulent representations of the “therapeutic” home. In a review of case notes, the Project found that at least half of the youth in the Belleville site had ‘out-of-jurisdiction’ charges. The absence of protocols or policies to traverse charges between different court jurisdictions created communication challenges and undermined a timely resolution of YCJA matters. In a review of the 20 full-service cases, the Belleville site found the majority of youths’ (55%) criminal matters were resolved through diversion. Given their trajectory, youth often comes with outstanding charges in multiple, far-flung jurisdictions. Breaches are almost inevitable. Conferencing, resolution, bail variations, and other outcomes are particularly difficult to coordinate because of the enormous number of stakeholders involved and the procedural barriers to bringing all the matters together. There was little consistency, even among their lawyers, as they cases were too geographically spread out to be handled by one practice. Many of the youth that the Project engaged with faced the limitations of the CW sector and immutable court prerequisites and the consequences of not having ‘suited’ parents. Every time the group care operators offloaded behaviour management (especially for otherwise non-criminal activity) onto the justice system, the YJ system’s creaking wheels would slowly click into gear. The Project observed success of formal and informal case conferences facilitated by the CCF as a medium to address unreasonable bail conditions that created obstacles to progress for cross-over youth. However, many bail variation challenges arose.

### Youth-Centring

To break the cycle for youth in the CW system, multiple service providers must work collaboratively to ensure the centring of their youth voices. The United Nations’ Convention on the Rights of the Child states that young people have the right to be meaningfully involved in the decisions that impact their lives, and dually-involved young people are certainly not excluded from this. However, the Project found that youth-centring and meaningful youth participation was observed only in rare cases, and those cases were largely dependent on a single empathic stakeholder who valued this approach. JHS Youth Peer Mentors drove youth engagement by advising service providers and collaborating through case-conferences and steering committee meetings. They were also instrumental in ensuring the well-being of young people and meeting them where they are at. Youth-centring encompasses ‘meeting young people where they are at’. Freeman, Gharabaghi, & Fulcher (2018) reference Kruegar (2000), who suggests that, beyond the literal meaning, “it means accepting people for how they are and who they are as we encounter them in their lives” (p.34). This requires that stakeholders, service providers, and adult allies recognize and have empathy for the unique and often traumatizing circumstances that have led to spaces and places where they are (Garfat, Freeman, Gharabaghi, & Fulcher, 2018). Meeting cross-over youth “where they are at” requires an empathetic understanding of their unique circumstances. The Belleville site experienced successful outcomes when youth were paired with a JHS Youth Peer Mentor, specifically as it related to completing their diversion programs, connecting to informal supports/activities and their self-defined goals, such as independence or skill acquisition. Uniformly, young people expressed that it made a positive difference in their life at that moment.



## **PREAMBLE**

The Cross-over Youth Pilot Project (the Project) was designed as a four-year pilot project that set out to implement and evaluate a range of best practice options that were aimed at improving outcomes for young people who were dually involved in the CW and youth justice systems in Ontario. The goals of the Project were therefore to keep youth out of the criminal justice system, and if a youth in care is involved with the police or courts, to facilitate getting them out of the justice system, including detention, as soon as possible. The third goal was to facilitate the provision of children's services as opposed to a reliance on the justice system to access resources.

In order to develop community-based solutions to the issues faced by cross-over youth, the Project was designed to consist of four distinct sites in Ontario. Each pilot site developed a service model unique to the characteristics of their specific jurisdiction. Belleville was selected as a pilot site, as it was identified as a community having one of the largest numbers of group care settings, proportionate to population, in the province. There was recognition that group care policies and charging practices were a major issue in the lives of these vulnerable youth. The intent of the Belleville site was to understand young peoples' experience in out of home placements and their "push" into the YJ system. The Belleville Steering Committee provided insights towards the overrepresentation of youth in care before the Picton Courthouse. The Project, Toronto site was the first site, and in turn provided insights that were adapted and informed service delivery models in the Project, Belleville site. Representatives from the Toronto site shared their overall experiences of rolling out the Project in their jurisdiction. This consisted of sharing experiences with the Belleville Steering committee regarding what was effective and how to troubleshoot potential concerns that could arise in Belleville. These lessons and forums speak to the importance of cross-sectoral collaboration and communication across jurisdictions, especially as it relates to evolving a Pilot Project across diverse communities.

## **BACKGROUND**

The Belleville site was selected due to the high number of group care settings in this locality. It was noted that the majority of young people residing in out-of-home placements in Belleville (group care, specialized care, and foster homes) are originally from different jurisdictions. The Hastings and Prince Edwards County jurisdictions are serviced by the Quinte-Belleville consolidated court, as well as the Bancroft and Picton courthouses. These jurisdictions contain a high number of private group care facilities, as well as treatment foster houses and unregistered placements, especially per capita. A noticeable amount of the youth docket comprises young people with CW involvement, and this is particularly true in the Picton courthouse. The cross-over issues have been of concern to stakeholders for many years predating the Project, given the constraints on resources they cause. In response, the court began to adapt its practice.

Prior to the Project's involvement, the youth court judges noticed a lack of cross-sectoral collaboration. Stakeholders were operating independently without any centralized planning. In response to that observation, in certain circumstances the judges began asking stakeholders, in addition to the Crown, defence counsel, and the officer in charge of investigation, to join Judicial Pre-trials (JPT). This included a combination of, but was not limited to, probation, the diversion coordinator(s), a local CW representative, the Indigenous court worker, and the mental health court worker. The CW worker from the youth's home community was rarely present. The cross-sectoral and cross-department participation in JPTs ensured judges got a complete picture of the out-of-court plan. It was also an accountability mechanism that helped address gaps in the plan. The mechanism was successful partly because of the high volume of cases and consistency of stakeholders. It also worked because of strong stakeholder buy-in, especially from the defence bar and Crown counsel. An important piece of these meetings is confidentiality. With many recurring stakeholders, an extra layer of vigilance is required to treat each case distinctly and discreetly. The CCF did not sit in youth court every day; instead they would attend court when a referral to the Project was made. The CCF would actively engage and attend the JPTs hosted in Belleville, which were cross-sectoral in nature.

The projected outcome was designed to develop local competencies and sustainability of a coordinated approach to serving cross-over youth. The goal was to help keep youth in care out of the YJ system and improve outcomes by coordinating system-wide responses with CW, YJ, and community partners. The intent is to provide an understanding of issues specific to cross-over youth and practices that will support the best possible outcomes for this cohort. There is a recognition that there is a gap in knowledge for workers, resource parents, and group care staff in understanding the complexities of the YJ system and a young person's experience throughout navigating both systems. Similar to the Toronto site, the Belleville site experienced troubling instances in which the CCF was met with resistance. The role of the CCF was formalized in the courts; the CCF was an asset to the court, which became very reliant on her coordination and advocacy. However, the CCF experienced moments of being met with resistance for collaboration, often by out-of-court stakeholders. The consistent CCF was identified as a resource in ensuring communication flow and ensuring young people's legal and social needs were identified. The Belleville Steering Committee identified three primary deliverables for the role of the CCF:

- Case Management, Service Support and Coordination
- Youth Engagement and Peer Mentoring
- Cross-Sectoral Training and Education of Service Providers Working with cross-over youth

As the Belleville Project site evolved, the RC, Belleville Steering Committee, and CCF worked collectively in order to further understand the trajectory of youth from the CW system to the YJ system. Specifically, the overrepresentation of youth in care before the Picton courthouse. When the Project first arrived in Belleville, strain existed between CW and YJ services. There was early engagement from group care operators, but as tensions arose between this sector and the external committee, group care operators disengaged. However, the Ontario Ministry

of Children, Community and Social Services (Formerly Ministry of Children and Youth Services) frequently attended Belleville steering committee meetings. As a result, members from the Ministry learned first-hand the distinct experiences of Belleville cross-over youth from community stakeholders. The Project presented best practice models, related to group care and police responses to the Ontario Ministry of Children, Community and Social Services. The steering committee meetings then became a forum in which the Ministry could hear from community members and the overwhelming concerns of the group care experience in Belleville. As a result, a staffing model for group care settings was adapted, a number of group care settings were closed, the number of beds reduced, hiring requirements were enhanced, and there was a shift in the management model.

Additionally, and perhaps most instrumental, were the conversations with law enforcement in the Belleville area. The calls for service from group care settings, which were instances of disciplinary matters that became elevated to criminal matters, reduced. In fact, calls for service to addresses associated with group care dropped 35% (122 calls) in Picton in the first year of the Project's involvement in the community. The catalyst for the drop-in calls for services was greater cross-sectoral collaboration and communication between police, group home representatives, and judicial and child welfare stakeholders. Lastly, the Prince Edward County OPP started to host monthly accountability meetings. The local CW and home CW (the agency a young person resided with when brought into care), law enforcement, and Community Organized Support and Prevention (a diversion program) would gather together. These agencies would check-up on the well-being of youth and ensure services paid for by their home CW agency were adequate and delivered. Furthering this, serious occurrence reports and the police occurrence reports were compared, and if any discrepancy arose, stakeholders would ensure accountability was upheld.

To reiterate, there was an overrepresentation of youth in care before the Picton Youth Court. It became known to the Project that there was no pre-charge diversion program in Picton for youth who reside in group care in the region of Bayfield. This was discussed at Belleville steering committee meetings. The Picton Ontario Provincial Police and Community Organized Support and Prevention were members of the Belleville committee, and these representatives collaborated. As a result, the two agencies established a pre-charge diversion program, which is currently in effect.

### **ORGANIZATIONAL STRUCTURE AND TEAM COMPOSITION IN THE BELLEVILLE SITE**

The Project at the Belleville site was hosted by John Howard Society (JHS). The Belleville site was chaired by Justice Elaine Deluzio, the Judicial Lead, and Penny Peters from Highland Shores Children's Aid Society. The Executive Committee consisted of Justice Deluzio (Co-Chair), Penny Peters (Co-Chair), and Debbie Woods from JHS, who oversaw the devolution of the Project, Belleville site. There was a local CCF who reported to the Project Belleville Steering Committee Executive and the Committee as a whole regarding the CCF Ryerson Project work plan and outcomes. The Belleville Steering Committee was composed of key stakeholders providing service and support to cross-over youth and other at-risk youth in the community, including

court Justices, Defence Counsel & Crowns, Police Services, Children's Aid, EJS programs (i.e. First Nation Technical Institute's Tyendinaga Justice Circle, COSP and Child Mental Health Court Worker, restorative justice workers and volunteers, YouthHab, Probation, and JHS, Youth in Transition staff, the Ministry). Previously, several group care operators had participated in the Belleville Steering Committee at the outset, but scaled back their involvement over time. The CCF worked alongside the provincial team at Ryerson University, which included the Project Co-Chairs, the Resource Coordinator, Communications Coordinator, and placement students. In addition to receiving guidance and advice from the Provincial Steering Committee, the CCF received feedback and support from the Youth Advisory Group, JHS Youth Peer Mentors, and members of the Ryerson University community. The Belleville site also participated in numerous steering committee meetings and community consultation events.

### **THREE ESSENTIAL PILLARS OF PRACTICE**

As a starting point to successfully meeting the needs of young people involved within multiple systems and sectors, stakeholders and service providers, the Project team attempted to ensure the provision of following three essential pillars of care:

#### **Youth-Centring**

Youth-centring is based on the foundation that young people are the experts of their own lives. They should drive the decisions that impact them. Professionals and service providers who are youth-centred will help facilitate voice and meaningful participation. A youth-centred process incorporates safety, supportive resources, and capacity-building to maximize the youth's agency. A prerequisite to a youth-centred approach is an understanding of anti-oppressive and trauma-informed practices. Professional experience is valuable, but must not overwhelm or undermine the voice of the youth. Each youth's journey is unique, with individualized ways of responding and coping.

Service providers were encouraged to approach each case with a readiness to listen and to respond with openness. Professionals, service providers, and caretakers undoubtedly approach youth with the best intentions. Understanding trauma, however, is a vital component of building a youth-centred practice. It can help explain some of the barriers youth put in place for self-protection, which undermine their ability to form trusting relationships. Furthermore, youth-centring requires reflection on the impact of oppression and the use of power. There is an urge to dominate the conversation with youth, particularly when they appear aggressive or non-attentive. Case planning meetings often diminish the ability of youth to fully participate because they may be intimidated or sidelined by well-meaning professionals. Institutional practices often perpetuate this further with the promotion of predetermined planning outcomes, such as restrictive timelines, funding, or placement options. These approaches all serve to neutralize the voice of the young person who is at the centre of the planning processes.

#### **Anti-Oppressive Practice**

Grounded in the principles of anti-racism, inclusion, and equity, anti-oppressive practice (AOP) seeks to rectify the disproportionate representation of racialized young people in the CW and youth criminal justice systems. AOP recognizes the intergenerational impact of institutional power-imbalances, and seeks to end the institutional oppression of racialized young people by advocating for system-wide policy change, challenging the status-quo, and mitigating power imbalances at individual and systemic levels of practice. AOP requires stakeholders and service providers to acknowledge and rectify the ways in which they enable systemic racism and racial biases in their own work.

### Trauma-Informed Practice

Cross-over youth are young people with significant trauma histories. Trauma-Informed care recognizes that young people involved in CW by definition have histories of trauma and neglect. Trauma-informed practice rejects a behavioral approach to intervention, and acknowledges the consequences of those approaches with youth dually involved in the CW and YJ systems. A trauma-informed lens encompasses: (1) an understanding of trauma on the development of children and youth; (2) the need for youth to feel safe in order for trauma healing to begin; (3) the role of relationships which are imperative to establishing safety; and (4) the responsibility of stakeholders to engage in processes of co-regulation when responding to the needs of cross-over youth.

## THE EVOLUTION OF CASE-FACILITATION AND CONFERENCING

### Case Facilitation

The Project was set up as a pilot, with each site designed to test and introduce potential components of a model that is conducive to the individual needs of their community. Initiated at the 311 Jarvis courthouse, the case conferencing model evolved from stakeholder feedback highlighting a need for solutions that would promote cross-sectoral collaboration needed to ensure better outcomes for dually involved young people. Early on in the project, the CCF identified case conferences as not always a safe place for young people to speak openly. The CCF often challenged the assumptions made by stakeholders on the “best-interests” of young people in absence of the young person’s voice. Indeed, much of their role was to advocate for the meaningful participation of the youth. The presence of the CCF and JHS Youth Peer Mentors at the Belleville site allowed for the early identification of youth-centring as imperative to ensuring positive outcomes for cross-over youth. However, briefly the role and purpose of the Project was confused with a diversion program, which created some resistance amongst stakeholders (the confusion was quickly cleared up and the resistance subsided). The advocacy approach to case-management overtly challenged stakeholders, primarily CW workers who were out of jurisdiction and did not see their role as related to a youth’s YJ matters. This disconnect was problematic once plans of care and bail orders were discordant, thus setting a young person up for a criminal charge. Further to this, the CCF’s presence in the court, position in the community as centralized in JHS, and their existing connections to stakeholders offered



opportunities to focus on scaffolding relationships amongst court stakeholders and community service providers. This was further supported by JPTs. The CCF augmented existing intersectoral collaboration. The Project was designed to offer coordination of existing services and ensure cohesive collaboration. The Project was cautious not to duplicate services. Instead, the CCF invested their time and resources in delegating those tasks to other, more appropriate stakeholders. Through persistence, support, and ongoing advocacy and consultation, service providers began to work together to fully fulfill their role on behalf of the youth. This change in focus led to a noticeable shift in stakeholder perception and willingness to participate in collaborative processes. As a pilot project, many lessons were learned and applied that allowed for the continual development and implementation of an effective and sustainable case-conferencing model.

### Case Conferencing

Once consent was been received, the CCF began engaging the young person in planning for a case conference with stakeholders and service providers in the young person's life. Informal case conferences were used most frequently, approximately 68 occurred. Case conferences took several forms, including informal, formal, and court-ordered (s.19) conferences. It was not uncommon for the CCF to facilitate numerous case conferences over the duration of a young person's involvement. Court-ordered case conferences were an excellent resource, especially when the CCF faced obstacles in bringing together stakeholders to engage in collaborative planning with the young person. However, typically formal court "section 19" conferences required several prior informal or formal conferences to have occurred before the case was ready for judicial intervention.

Conferencing was found to be most successful when the youth was able to express their wishes and opinions. Youth-centring has been most successful when a JHS Youth Peer Mentor was involved (this is elaborated under theme four). The JHS Youth Peer Mentor was very successful in building relationships with the youth. Building trust and understanding is the foundational step to a successful conference. When youth are not engaged, it shows in their body language. Stakeholders may read this as a cue to ignore the youth. In ensuring youth-centring at case conferences, the CCF's role was to maintain the lines of communication with the young person. Communication maintenance takes three forms: (1) coordinate with the young person to get them to the conference; (2) plan with the youth for the conference; and (3) constantly check in with the youth during the conference to make sure they are voicing their wants and needs.

The CCF observed that, for case conferences to be successful, all the stakeholders, in a coordinated partnership, had to take a dedicated role in communication maintenance and youth-centring. One of the challenges has been the diverse and complex range of stakeholders across multiple sectors. Each case involved a completely unique set of stakeholders. The stakeholder sectors remain the same, but the service providers and caregivers changed with each cross-over youth. It required re-education and familiarization with each new case. To mitigate this, the CCF spent a significant amount of time before, during and after case conferences scaffolding relationships between stakeholders and service providers, fostering a culture of youth-centring

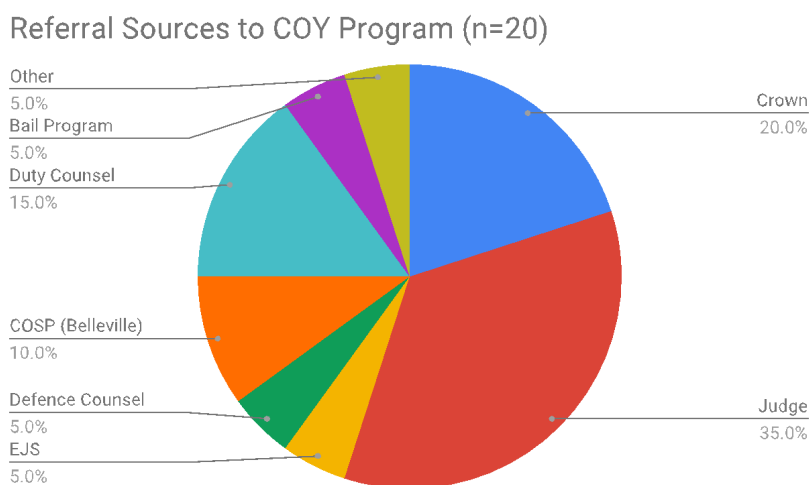
amongst case conference attendees, and ensuring stakeholder follow-through on agreed-upon action items in preparation for and following case conferences. In practice, this was achieved by the CCF as they approached key stakeholders (those who worked with referred cases) in court and remained in consistent communication with these members outside of court, whether by email or phone. This was time- and resource-intensive, but the most necessary part of the role to ensure sustainable outcomes.

### COY IDENTIFICATION AND REFERRAL SOURCES

Youth participants in the Project, Belleville site were identified through referrals from existing court personnel and stakeholders, including judges, Crowns, lawyers, and other service providers. The majority of these referrals was the outcome of the strong buy-in by stakeholders and committee members of the Project. Referrals to the Project primarily came from Picton's Youth Court, which handles youth matters once a month. The manner in which the Picton Youth Court operates is that a list of all matters that are before the court for that day will be called individually, making it easy to identify youth with CW involvement. For example, usually a group care worker would be present, rather than a guardian. Additionally, it was noted whether a notice to parent or CW agency was made on the synopsis, enabling cross-over youth identification.

Additionally, the Crown has a synopsis of the charge. The Crown would screen the matter to possible referral to the Project. If there a semblance of an out-of-home placement setting, the Crown would use their discretion to connect the young person to the program. It was the Project's observation that the strong engagement and embodiment of the philosophy and principles of the Project, referrals, and identification were experienced as an efficient process.

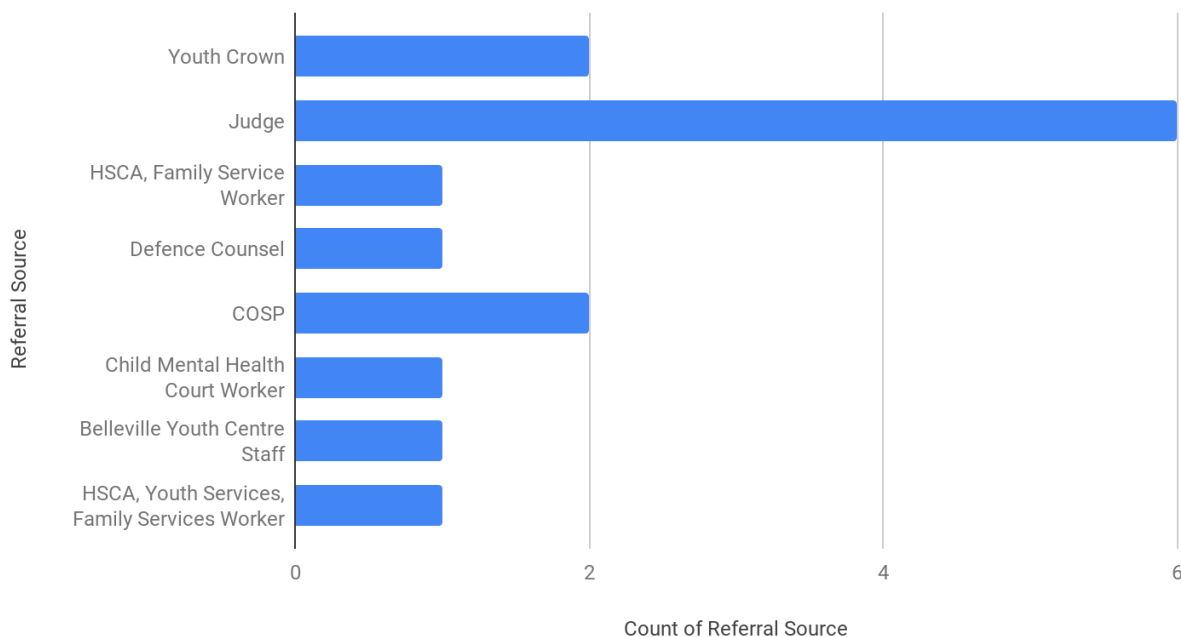
The table below captures the referral sources for the 20 full-service cases facilitated through the Project at the Belleville site. The majority of referrals were initiated by judges and Crown.



*Figure 1. Full-Service Referral Sources*

The table below captures the referral sources for the 15 brief-service cases facilitated through the Project at the Belleville site. The majority of referrals were initiated by judges.

### Count of Referral Source



*Figure 2. Brief-Service Referral Sources*

## THE IDENTIFICATION AND UNDERSTANDING OF EMERGENT THEMES

### Generation of Themes

Case conferencing promoted an in-depth understanding of the lives of 20 dually involved young people. The Project's court-centric case conference and community-based model lent itself to a rich understanding of systemic issues and gaps in service provision, and aided in the development of best-practice model components and protocols. The progress in the twenty cases over a year reinforced the value of this intensive work.

The Belleville Steering Committee provided insights during cross-sectoral meetings, and delivered direct feedback on best practice. The Belleville youth advisory group and the peer mentors provided additional feedback on these issues to maintain youth voice throughout the Project. All the information gathered through these interviews and meetings was then reviewed and analyzed by members of the Project and coded to reveal themes in the data.

The themes were then compared against the experience and data in other pilot sites, including Toronto, Thunder Bay, and Brantford. Additionally, these themes were compared against both national and international literature on the relevant subjects. Once the information was collated, it was presented to the stakeholders for feedback, and their feedback was incorporated into reports. An in-depth analysis of case-notes and discussions with the CCF revealed patterns and trends from which four noteworthy themes emerged. Illustrative case studies will be used as a means to highlight these themes:

- Theme One: Trajectory from Guardian Home into the Youth Justice System
- Theme Two: Psychosocial Impacts of Placement and Criminalization
- Theme Three: Youth Justice System Processes
- Theme Four: Youth-Centring

## **TYPES OF CASES**

Given the limited scope of the Project in Belleville, the number of brief and full-service cases was restricted to a total of 35 combined. The CCF was able to work intensely with only 20 cross-over youth. These 20 cases consumed the majority of the time and resources over the duration of the Project, Belleville site. Given the small sample size of 20 young people who accessed supports through the Project, the themes which have emerged demonstrate patterns and trends that may be limited to this site. However, the value of this intensive work, and the themes which have subsequently emerged, are highly relevant and noteworthy. Furthermore, pairing the themes with national and international literature further validates the understanding of the systemic and cross-sectorial issues faced by Ontario's population of cross-over young people.

### **Brief Service Cases**

Of the 35 cases encountered by the Belleville site, 15 are classified as brief-service cases. Brief-service cases are without a consent on file for further involvement by a CCF. As such, brief-service cases are limited in information to descriptive demographic information only. Of these 15 cases, 67% of youth identified as White, 27% identified as Indigenous, and 6% identified as Black. The majority of brief-service cases was brought to the attention of the Project through referrals made by judges and other court-centred stakeholders. Interestingly, referrals were made by CW workers, as well. A small number of brief-service cases were consultations. In these instances, the CCF either offered advice and guidance to inquirers, or supported by connecting them to other resources. However, no real service was provided.

### **Full-Service Cases**

Cross-over youth who took part in full-service case-facilitation did so voluntarily and with the provision of informed consent. Once consent was obtained, the CCF began the process of engaging the young person in moving towards coordinating a planning conference with the stakeholders in the youth's life. The Project provided full-service intervention to 20 young

people at the Quinte and Picton Youth Court. Full-service case intervention entailed the long-term coordination and support of the CCF, with the average length of involvement cumulatively being 5-6 months. However, in several cases, the CCF remained involved with the young person for the duration of the Project at the Belleville site. Many Indigenous youth are placed in and around Belleville as group care operators advertise better access services and/or supports, such as education and counselling than are available in their home communities. The majority of Indigenous cross-over youth cases were referred to the Indigenous court worker. The Project had little involvement in these cases due to the existing structure of services.

## DEMOGRAPHICS

**Age:** Of 20 full-service cases, three cases involved young people between the ages of 12-14; 15 cases involved young people aged 15-16; and two cases involved young people aged 17.

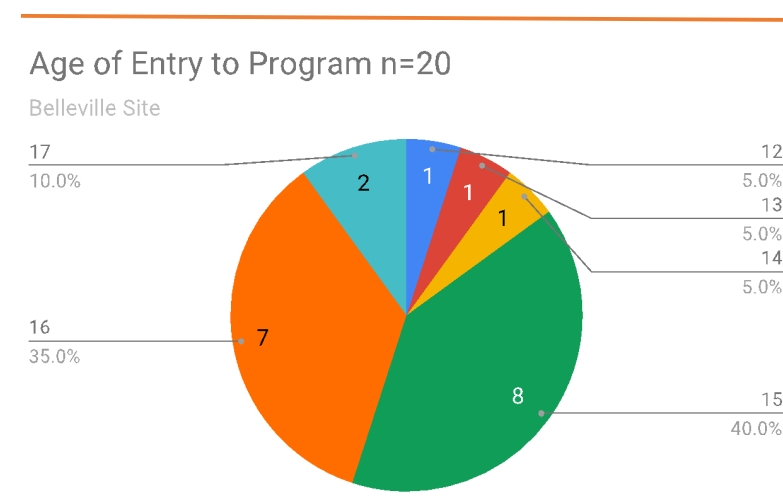


Figure 3. Full-Service Cases Age of Entry into Project

**Gender:** Males represented 75% of cases and females accounted for 25% of full-service cross-over youth cases.

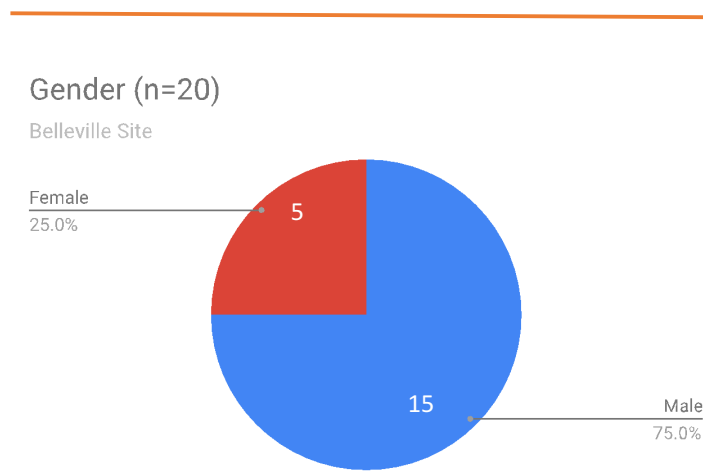




Figure 4. Full-Service Cases Identified Gender

**Race and Ethnicity:** 80% of the 20 full-service cases encountered at the Belleville site identified as White; 10% represented young people who identified as Indigenous; and 10% identified as Black. The Project observed 12 youth referred to the Indigenous youth court worker.

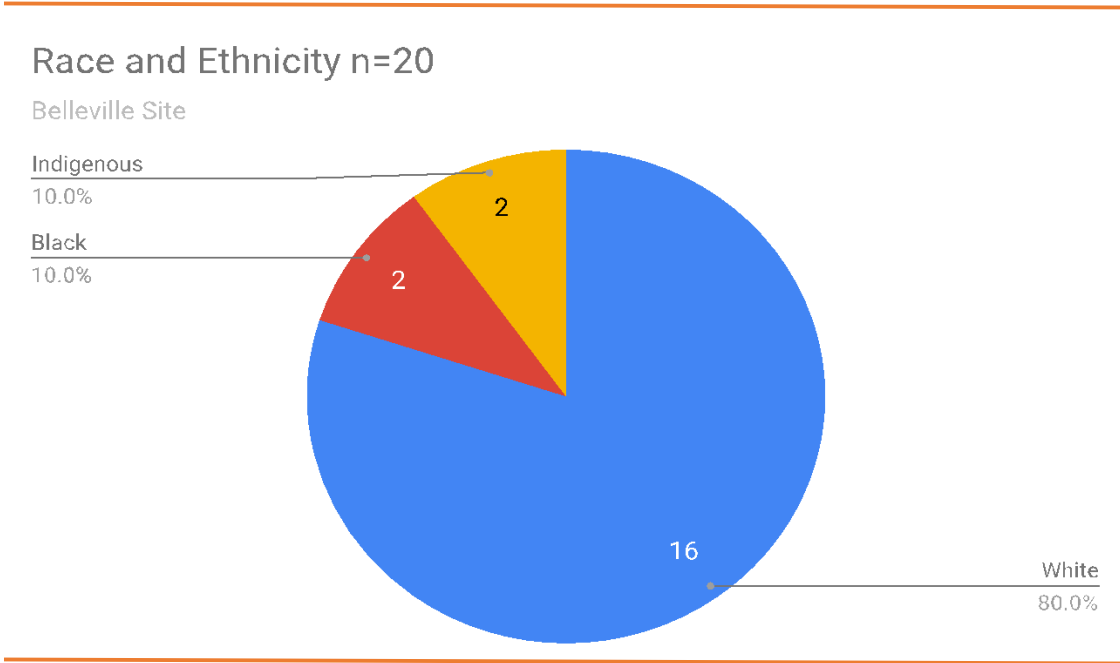


Figure 5. Full-Service Cases Identified Race/Ethnicity

## THEME ONE: TRAJECTORY FROM GUARDIAN HOME INTO THE YOUTH CRIMINAL JUSTICE SYSTEM

### Overview

Recent literature examining the experiences of cross-over youth has suggested that the younger a child is upon their entry into the CW system, the more likely they are to deeply penetrate the youth criminal justice system (Australian Institute of Health and Welfare, 2017). The findings from the Belleville Site, discussed below, align with the literature in Australia. The Project also observed parent/teen or parent/child conflicts as a predominant reason for initial CW involvement. The former contributes to the ongoing discussion of how and when young people in the CW system cross into the YJ system.

A review of full-service case files in the Belleville Site revealed that the slight majority of young people (59%) entered the CW system due to parent/teen or parent/child conflict, whereas 41% of youth entered CW due to protection concerns. While the Project supported 20 full-service youth, for three young people, their reason for entry into CW was unspecified.

Of the known age of entry into CW (n=18), a review of 11 of the 18 full-service case files in the Belleville Site revealed that the majority of young people (61.1%) entered the CW system as an older youth (12 and above). Those young people who entered the CW system as children aged 12 and under accounted for the remaining 39%. As can be seen in the graph, most of the young people served through the Project entered into the CW system between the ages of 12 and 15 (44.4%).

#### Age of Initial Involvement with Child Welfare (By Range) n=18

Belleville Site

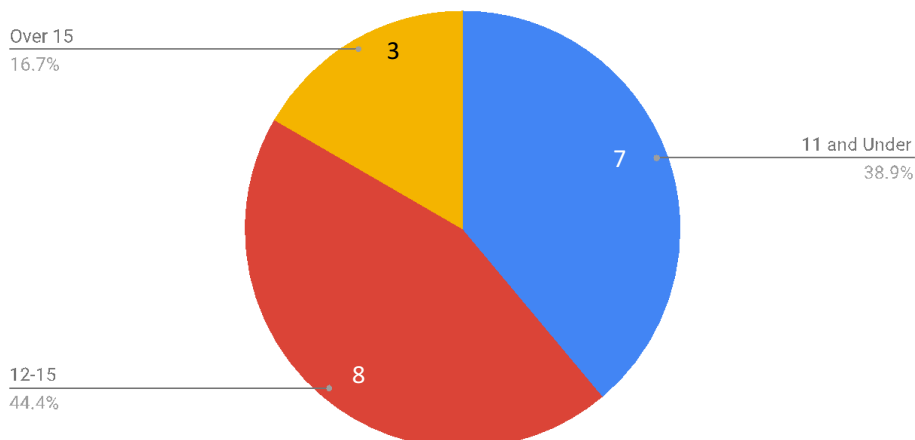


Figure 6. Age of Initial CW Involvement Full-Service Cases

Recent international literature has established that placement instability has more of a substantive impact on a young person's offending patterns, rather than the placement in out-of-home care itself (Ryan & Testa, 2005; Widom & Maxfield, 2001). The Project identified trends in case notes that group care service and operations acted as a cause for placement instability. Recidivism was a common theme in the Project. Regardless of a young person's reason for entry into care (either protection concerns or parent-teen/parent-child conflicts), when in out-of-home placements, those operators framed the young person within the context of community safety concerns. As a result, further controls were imposed upon the young person, resulting in administrative breaches caused by bail or probation conditions. As with their initial involvement with YJ, recidivism among cross-over youth was seen by the CCF to be linked to placement instability. This trend speaks to the need for appropriate training for service providers who interact with cross-over youth, specifically as it relates to child serving agencies considering how to plan for permanency and positive youth development outcomes.

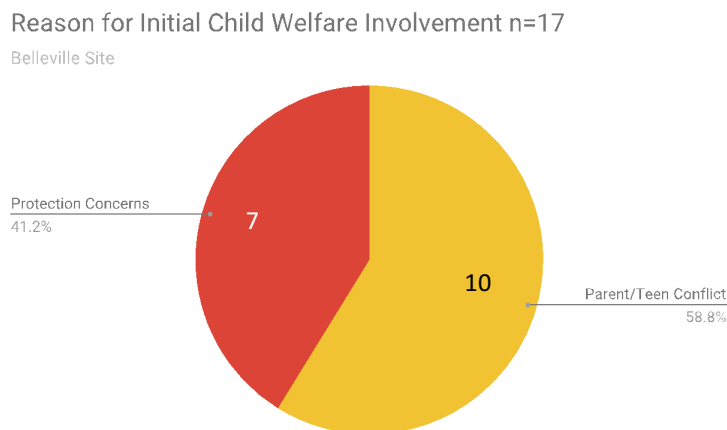
Placement instability was seen to arise as a result of frequent moves within the CW system, triggered by elements of 'care criminalization'. The Belleville site witnessed a trend whereby young persons were moved into a new group care setting, and incurred charges. Then, due to staff members' inability to provide the necessary support to the young people, they were moved out. The CCF experienced some barriers in attaining a young person's full movement history from their CW worker, which did not allow for a holistic understanding of moves within the CW system. However, the Project was able to ascertain that the younger a youth was when they entered care, the more likely they were to have experienced multiple moves and more severe charges. While the Belleville site did not have access to the majority of youths' criminal informations across jurisdictions, as in the Toronto site, the CCF's case notes provided a detailed accounting of the many of the youths' trajectories to the best of their recollection. The information from the Belleville site contributes to a growing understanding of the trajectory of young people from CW to the YJ.

## Pathways

### Referral and Entry

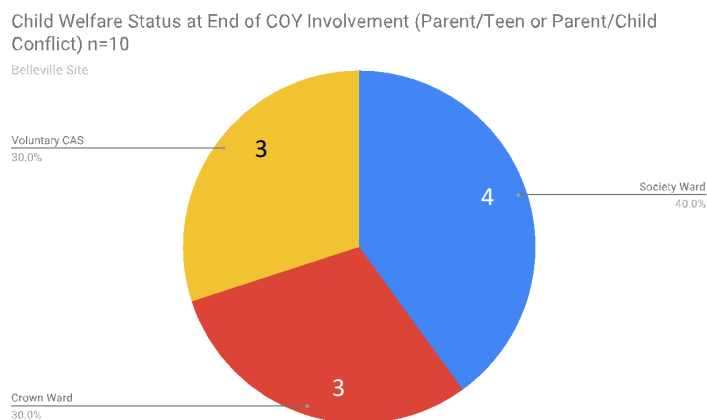
Surprisingly, the slight majority of young people from the Belleville Site entered the CW system not due to protection concerns, but because of parent/teen or parent/child conflict (41.2% and 58.8%, respectively). A review of case notes found that a youth's entering CW for reasons of parent/teen or parent/child conflict was often a result of mismanaged diagnoses. In the Belleville site, most cases involved older young people that had been formally diagnosed; however, there were no familial supports or resources put in place for the families to negotiate the challenging behaviours of their youth. As a result, guardians were no longer able to cope with their child's presenting behaviour and relied on CW for assistance. Youth who entered CW for protection's concerns ranged from intimate partner violence and neglect. Interestingly, 44.4% of full-service cases involved young people between the ages of 12 and 15.





*Figure 7. Reason for Initial CW Involvement Full-Service Cases*

The Project found that 60% of youth who entered into the CW system because of parent/teen or parent/child conflict had gained Society/Crown wardship status. The Project found that young people who entered into the CW system due to parent/teen or parent/child conflict moved through that system from the least (voluntary agreement) to the most intrusive (Crown wardship) form of intervention. The Project found that, of the young people who had initial CW involvement due to protection concerns (n=7), six (86%) were under crown wardship. While not significant given the Project's small sample size, a cross-over youth's movement through the CW system deserves more attention, in order to conceptualize a youth's trajectory through the system and how to better work towards family/kin reunification, if appropriate.



*Figure 8. CW Status of Full -Service Cases who entered CW due to Parent/Teen or Parent/Child Conflict*

Consistent with findings in the literature, the Project found that youth have multiple diagnoses – often concurrent diagnoses – and untreated mental health concerns. Previous studies have emphasized that cross-over youth coping with mental health needs are often missed or

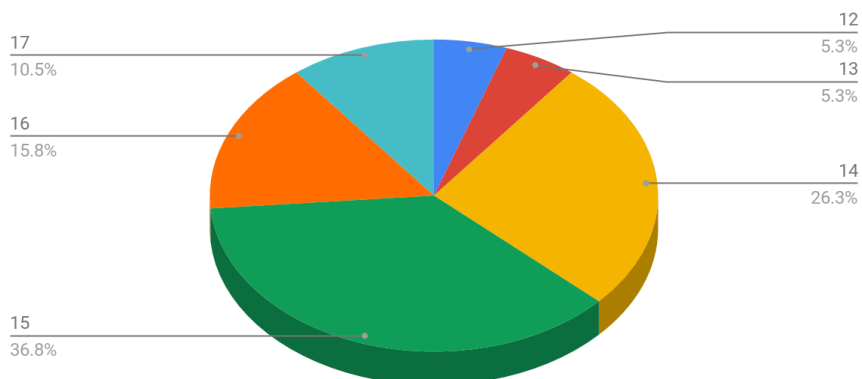
misdiagnosed, and CW agencies are failing to provide mental health services for the youth in their care (Bai, Wells & Hillemeier, 2009; Jonson-Reid & Barth, 2000; Gordeyko, 2017). This is largely due to inadequate interagency collaboration and communication between CW and YJ systems with mental health service providers (Bala, Finlay, De Filippis & Hunter 2015; Finlay, 2003; Gordeyko, 2017; Lenhoff, Jones-Kelley & Abbott, 2017). The Project supported youth with a wide range of mental health needs, including Attention Deficit Hyperactivity Disorder, Fetal Alcohol Syndrome Disorder, and Oppositional Defiant Disorder. Similarly, these disruptive behavioural disorders are commonly used to label young people who have an underlying developmental disorder (Oudshoorn, 2015). One such developmental disorder is Fetal Alcohol Syndrome Disorder (FASD), which is characterized by impairments in “memory, judgement, abstract reasoning, and adaptive functioning.” Young people with diagnoses such as FASD or disruptive behavioural disorders are at a higher likelihood of being involved in the YJ system (Oudshoorn, 2015). For youth with behavioural concerns related to FASD or other neurological disorders, we need to understand and be mindful of how these manifest while they find themselves justice-involved. This requires service providers who engage with cross-over youth to advocate on their behalf. Specifically, there is a need to review the appropriateness of rehabilitative goals of placing youth in custody. Given the high rates of FASD and neurological concerns experienced by many cross-over youth, workers should be informed on how to work with youth who have these diagnoses. Additionally, many cross-over youth have been exposed to adverse childhood experiences, which have resulted in their CW involvement. It should be understood that being a dually involved youth and associated systemic proceedings are in themselves traumatic. For instance, court appearances: “Pre-existing trauma symptoms may be worsened through further victimization through the court process itself and the separation from family and other support networks as a result of incarceration” (Moore, Gaskin & Indig, 2013, p. 868). The Project found that onerous policies create additional barriers for youth to be granted mental health diversion. The Child Mental Health Service (CMHS) has a policy that they cannot provide counselling to youth in care; CMHS expects CW or out-of-home placements to pay for private counselling for youth in care. Group care providers claim to provide treatment. However, the Project’s experience was that these operators over-promised and under-delivered mental health treatment. As the first point of contact for mental health diversion at youth court, the Child Mental Health Worker is well-positioned to intervene.

### Initial Placement

36.8% of young people entered the YJ at the age of 15. Youth were then removed from their care-giver’s home and placed into group care settings in order to access the appropriate supports, as promised by CW workers.

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### First Recorded YJ Appearance by Age




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*Figure 9. First Recorded YJ Appearance Full-Service Cases*

More than half of full-service youth had a home CW agency outside of the Belleville jurisdiction, such as York Region, Hamilton, Simcoe, etc. Given the high number of group care settings within Belleville along the county seat, many youth from “out of jurisdiction” are placed in this locality. The COY Project in Belleville observed that for many of the CW youth Belleville is very far away from their home communities, sometimes as much as a day’s journey including flights. Being out of jurisdiction their home jurisdiction, these group care settings lacked consistent and frequent visits from young people’s CW worker, resulting in these youth either running from group care settings, or ‘acting out’ in the care setting—often leading to charges. The CCF witnessed a lack of meaningful consultation and partnership with young people regarding their initial and subsequent placement settings. Young people were rarely consulted in regard to where they would prefer to be placed and what supports they felt they would need to manage such an extreme shift in environment. This lack of partnership with young people contributed to a deeper penetration into the CW system. Through the Belleville Steering Committee, the Project was informed of cases in which youth from other jurisdictions had extended family members residing in group care settings within the locality of Belleville. However, they did not know that the other was nearby. With improved communication and cross-sectoral collaboration, youth in these circumstances can be identified and connected, or even perhaps placed in the same home. This would improve opportunities to connect and combat overwhelming feelings of isolation.

### Placement Instability

65 % of the full-service cases involved young people who experienced multiple placements. The average number of placements was found to be seven. For many young people, they were exposed to frequent moves within one year. The highest reported placement move was 16, which took place in a three-year period. Advancing this, the Project found that youth were



being moved without consultation or even being informed by their worker. The most significant problem noted with this approach was placement breakdowns (high degree of instability noted) and recidivism.

*“After youth’s placement change from Belleville to his mother’s home, he incurred new charges related to assault and mischief. The youth was once again placed in a group care setting in a different jurisdiction”. – CCF*

This raises concerns about the psychological processes that are disrupted for a youth transitioning into a new setting, without being consulted or engaged.

Number of CAS Placements by Case (n=13)

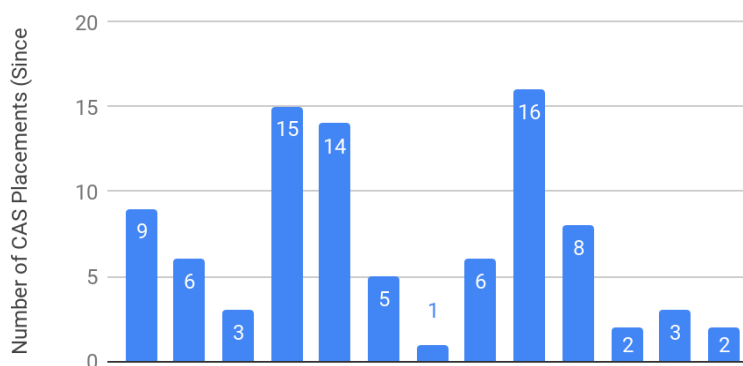
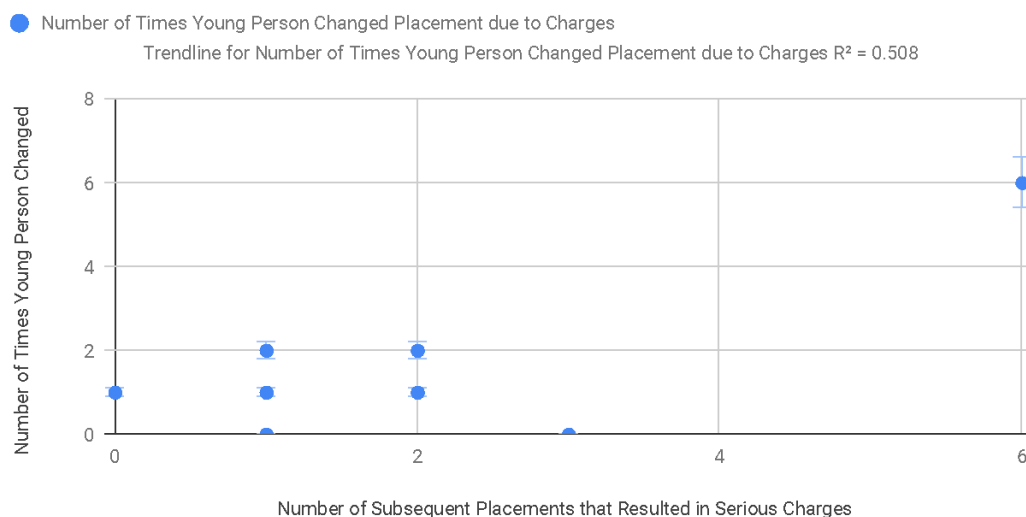


Figure 10. Number CAS Placements for Full-Service Cases

*“CW report that youth was moved from this placement due their “aggressive behaviors”. Since this placement change, CW has moved youth 14 times in the past three years”. – CCF*

Often, young people were moved to a different group care setting without any input. Thus, youth are to continuously cope with being displaced and adjust to a new community. Shown below, if a young person was charged in an out-of-home placement, if they were to be charged again in the next setting, it was more likely to be a substantive charge.

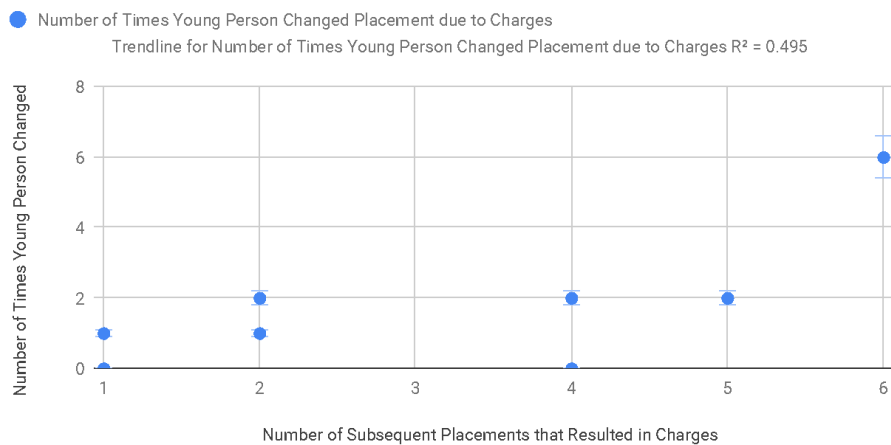
## Number of Times Young Person Changed Placement due to Charges vs. Number of Subsequent Placements that Resulted in Serious Charges



*Figure 11. Placement Moves and Severity of Charges*

On the aggregate, the Project saw a trend that the more times a young person was moved due to a charge, the more likely they were to receive an additional charge in their new care setting.

## Number of Times Young Person Changed Placement due to Charges vs. Number of Subsequent Placements that Resulted in Charges



*Figure 12. Placement Moves and Further Charges*

As a result, youth are continuously displaced, rather than restoring their sense of belonging in a community.

### Initial Contact with the Youth Justice System

Notably, as revealed in the chart below, 60% (N=12) of youth received their first charge while residing in an out-of-home placement, and these youth were charged by staff themselves, while 20% (N=4) of youth received their first charge while in the care of their guardian, and 10% (N=2) received their first charge out in the community while in the care of an out-of-home placement. Lastly, for 10% (N=2) of youth, their first charge is unknown due to limited information and frequent moves; thus it was difficult to discern when and where it occurred.

### First Charge Setting n=20

Belleville Site

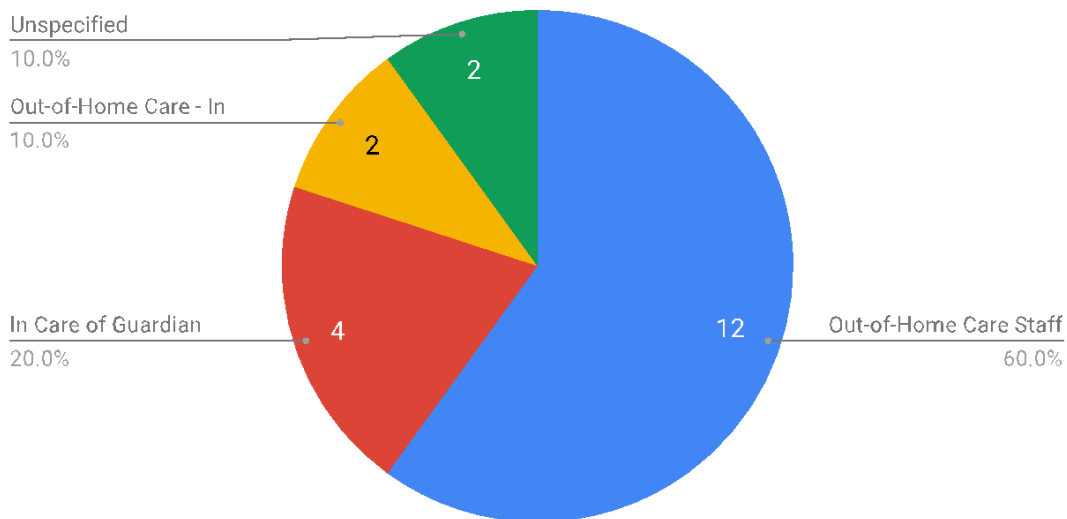


Figure 13. First Charge Setting

*“Youth was identified as a youth in care who was a resident of the home for only several days before he was charged with assault against a staff person, youth is originally from out of the jurisdiction”. – CCF*

*“The first week that youth was placed in the group care setting, there was an incident at the home and the police were called to attend the home. Youth was charged with assaulting a peace officer. Youth originally from Hamilton.”- CCF*

*“Youth was a resident of this group care setting for less than two months when he was charged with assault in the group care setting.”- CCF*



*“Youth was initially very upset about their placement in the group care setting, this led to an incident in the home, which resulted in staff to call police and youth was charged. There were signs to suggest this may happen, insufficient efforts were made to de-escalate the situation and support their transition into the home”- CCF*

*“Staff reported to the police that it was the house Supervisor that told them to call the police and have both young people charged. The police reported that the staff was only seven days on the job. Local police services advocated for a pre-charge extra-judicial measure process rather than charging the youth.”- CCF*

The Project observed the disturbing systemic issue of youth in CW incurring a series of charges in out-of-home placement settings, particularly in group care. Youth are removed from their families as a measure of last resort to protect them from harm, or as parent/teen or parent/child conflicts arise. However, far too many of them enter the YJ system through the uniquely challenging environment of group care. It was these settings that offset their entry into the YJ. The Project observed uniformly that older young people were seen to cross over to YJ following involvement with CW, whereas youth who entered CW for protection and hold Crown wardship status are pushed into the YJ as a result of their CW placements. An analysis of case notes revealed that these young people entering care due to protection concerns received on average more severe charges and more administrative charges. As witnessed by the Project, minor instances, such as damaging a lamp in the home, can lead to a youth being charged with mischief under \$5,000. Through the CCF and conversations that developed from the Belleville Steering Committee, it was identified from the outset that young people in the Belleville site are experiencing the criminalization of their trauma symptoms. Many charges stem from a young person simply acting out their diagnosis and/or frustration. All group care settings have an obligation to offer the treatment and therapy they promote in-house, yet operators often falsely advertise their capacity to provide programming necessary for the youth they house. This has caused a serious crisis, as many other mental health agencies will not provide duplicate services if a group care setting is already being funded to provide them.

*“Group care staff and house supervisor had difficulty effectively responding to youth’s needs. Staff behavior and attitudes reflected a more punitive, deficit & consequence-based perspective and approach rather than a youth-centred & trauma-informed one focussed on treatment. Staff appeared to rely on the police, the YCJA court acted as mechanisms to ‘discipline’ youth, resulting in numerous staff charges”. - CCF*

*“There is a lack of adequate placement resources for the profile of this youth. In the absence of these specialized supports for youth with complex needs, police are called, charges are laid, and the youth are bounced from one placement to the other, leading to the inevitable trajectory of youth ending up in detention or custody”. - CCF*

### Deeper Penetration into the Youth Justice System

The Project saw a trend that the more placements a young person experienced, the more they were likely to have an increase in severity of charge. The Project found those younger youth entering CW for protection concerns had the deepest penetration into the YJ system. This is suspected to be due to their prolonged involvement in CW, which consisted of more exposure to placement instability, inadequate group care operations (i.e. lack of standards of care), and the criminalization of their trauma.

### Transition to Independence Barriers

Current literature (Spencer, Gowdy, Drew, & Rhodes, 2019), government strategic plans (MCYS, 2014), and youth-serving agencies and service providers (Turning Point, 2019) have established the importance of youth-centring as a catalyst for ensuring positive outcomes for ‘at-risk’ youth. The voices of cross-over youth are not an exception to this; yet it was the experience of the Project that, far too often, their voices are silenced by the many stakeholders and service providers involved with their lives. This created further barriers to independence. Seeking to address this, the Project’s early identification of youth-centring was established as a framework to support dually-involved young people. As both a pillar and best practice, youth-centring is informed by the *United Nations Convention on the Rights of the Child’s* (1989) proclamation that young people have the right to be listened to and be heard, especially regarding decisions that impact their lives.

A major issue of concern for the Belleville Steering Committee was youth transitioning out of care, and the need for more transitional homes. This created barriers for independence as Youth Hub, a local transitional home, has strict admission requirements and effectively excludes youth with a criminal record. The Project observed instances in which CW policies created barriers for youth attaining their self-defined goals. In a review of case notes, the Project found that, in almost all instances, issues of youth-centring were cited.

*“The supervisor of the group care setting where the youth resided tended to be negative when describing youth in terms of his deficits and behavioral short-comings, rather than being strength-based about where the youth was at and building on his interests, such as his scooter and his bike.”- CCF*

## Institutional Context

### Group Care Settings: Charging Practices

Belleville houses many group care settings in this locality; the majority of full-service youth resided in this form of residence (65%) at the time of their involvement with the Project. Group care charges were a predominant theme in the lives of cross-over youth served through the Project. An overwhelming majority of youth (70%) received a charge in this setting. Supplementary to the overcriminalization of youth in care is the overwhelming number of breaches incurred in group care settings as young people await resolutions to pending charges. CW has a responsibility to uphold the rights of children and youth to be involved in decisions that impact their lives. The Project developed 'Considerations for Best Practice: Group Care Settings' (see Appendix 2). In this Appendix, the reader will find a section entitled "Proactive Model". The Project followed this initiative, which achieved great success in reducing the criminalization of youth in care in the area. Through CCF and Belleville steering committee discussions, it was mentioned numerous times that the court should never be used as a first response.

#### Number of Young People that Received Charges in Out-of-Home Placement n=20

Belleville Site

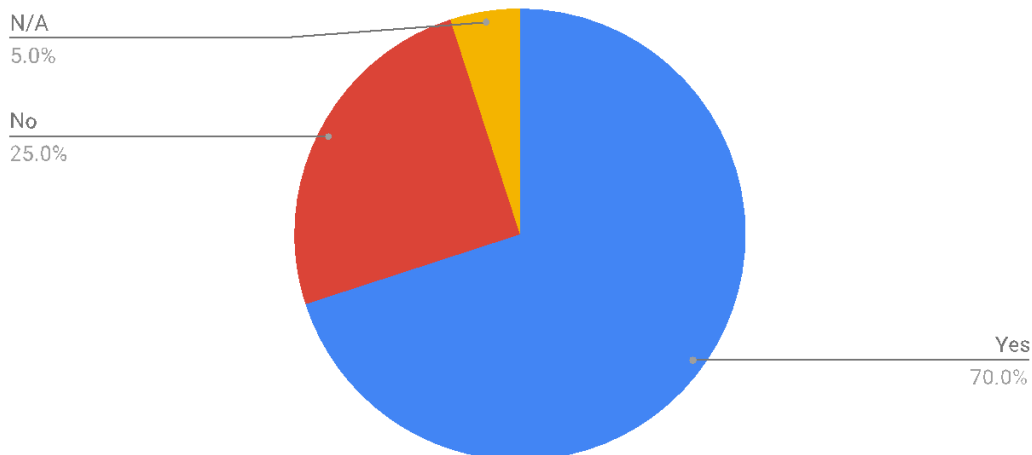


Figure 14. Full-Service Cases and Out of Home Placement Charge

The Project observed direct processes responsible for the increase of offending behaviour, as group care spaces pushed a young person into the justice system through common practice.

*"The supervisor and staff of this group care setting continue to charge youth for behaviors in the group care setting". - CCF*



*“Group care staff lack the skills to respond effectively to youth and his complex needs and instead charge the youth, further criminalizing the youth due to lack of capacity to provide treatment to the youth”. - CCF*

The Project found that, in certain circumstances, policy required group care staff to call the police. In other instances, group care staff were motivated to call the police due to their own inability to co-regulate. However, this response and lack of mental health understanding offsets the trajectory into the YJ system for youth in care. For youth in care, there is a disproportionate level of police attention for minor incidences, which would not occur for youth residing in the familial home (Cashmore, 2011). The Project observed that youth in group care are criminalized because of their “acting out”, or provocative behaviours, which suggests why they are more likely to be before the court. This pattern mirrors the literature suggesting that group care settings are unable to support healthy development and significantly increase the risk of arrest (Gerard, McGrath, Colvin & McFarlane, 2019). A study in British Columbia of a cohort of youth between the ages of 12 to 18 residing in out-of-home care found these youth were eight times more likely to appear in court, as compared with youth who reside in alternative settings (Turpel-Lafond, 2009). The current policies and procedures being used in most group care settings are inadequate. There must be a collective action to change, both in environments and responses. This is exacerbated in the context of group care, in which behavioural responses to trauma typically result in the contacting of police (Finlay, 2003; Scully & Finlay, 2015; Bala et al., 2015). The trauma-related behaviours are dealt with by staff who are ill-equipped to handle the situation, and when police are contacted, the young people are then forced to move to alternative placements. This process often leads to a young person being charged and their entrance into the YJ system, which provides context as to why young people consider residential care to be “gateways to jail” (Finlay, 2003; Scully & Finlay, 2015; Bala et al., 2015).

This practice is even more significant for justice-involved youth, who are frequently sequestered due to being labeled as dangerous or vulnerable children (Tilton, 2013). “Dangerous” young people are viewed as needing discipline and higher degrees of control, while vulnerable children are portrayed as needing to be protected, both of which result in a loss of voice and control (Dupuis & Mann-Feder, 2013; Tilton, 2013). This was a common theme expressed by full-service youth, as indicated by the CCF and JHS Cross-Over Youth Peer Mentors.

*“The decisions of the group care manager are shaped by concerns about risk-management, rather than creating plans that reflect what the youth want and facilitate greater community connection opportunities to foster the development of youth’s independence and confidence.”- CCF*

Often, the behavior and attitudes of group care staff reflected a more punitive, deficit- and consequence-based perspective and approach rather than a youth-centred and trauma-informed one focused on treatment. Group care staff and CW workers were often disengaged from the resolution of criminal matter processes.

*“CW had fallen short due to staff inconsistencies”. -CCF*

*“The newly assigned CAS worker and her supervisor had difficulty recognizing the value of inter-sectoral communication and collaboration between YJ, CW, community and family players”. – CCF*

*“The CW worker was not consistently present for bail or YCJA court.”- CCF*

*“There was a lack of follow through by group care staff and/or CW worker to assist the youth to secure a lawyer for YCJA charges, despite CCF contacting staff reminding them that the youth needed a lawyer.”- CCF*

### **High Staff Turnover: Actors Versus Advocates**

The Project observed that many young people had multiple CW workers throughout their involvement. Due to the frequent moves experienced by full-service youth, and the high number of youth not originally serviced by local CW agencies, young people often did not have a strong, present advocate on their side. The literature asserts that the lack of continuity of care is detrimental to youth in care, as a foundational relationship is crucial to their well-being in out-of-home placements (Gerard, McGrath, Colvin & McFarlane, 2019). The Project, Belleville site found that the lack of advocates is troublesome due to the complexity of the systems they are required to navigate. This could partially be mitigated by the presence of a consistent worker who is acting as a young person’s advocate. The CCF was a consistent advocate for young people serviced in the Belleville site. According to judicial stakeholders, the CCF was a major resource throughout the duration of the Project. A study conducted by Chuang and Wells (2010) found that a linked database and increased connectivity between CW and YJ systems increased the odds of a cross-over youth receiving behavioural health services and improved

awareness of agency priorities and perspectives. The CCF became the linked database to ensure communication flow. While faced with many barriers, the CCFs continual dedication led to a philosophy change amongst stakeholders, especially as it related to proactive interventions. This was further supported by the Belleville Steering Committee and JHS Youth-Peer Mentors. However, it was difficult to move from collaborating to partnering – a key distinction that is further addressed in the Cross-Over Youth: Navigating Quicksand Report.

The CCF actively engaged and participated in case conferences, both formal and informal. Case conferencing is at the core of the Project’s philosophy, and assisted in achieving the local deliverables. As experienced in case facilitation and emphasized in the literature, a huge barrier to meeting the needs of cross-over youth on the continuum of services needed to address their unique challenges is the lack of cross-sectoral communication (Herz, Ryan, & Bilchik, 2010). Thus, professionals must reach across systems of care in an attempt to bolster protective factors for at-risk youths. Currently, each agency is “siloes,” and often different stakeholders, whether in the CW system or YJ system, are not informed of what the other is doing.

“Staff in CW and juvenile justice agencies face many barriers to cooperation, including different organizational priorities, confusion over how services should be funded and who has jurisdiction over the youth, and difficulty in tracking cases across organizations. These barriers can result in negative outcomes for youth” (Chuang & Wells, 2010, p. 1814).

In addition, service providers and professionals are not consistently available or trusted when youth need assistance. The Project, Belleville site observed many instances in which, through the duration of a young person’s involvement with the Project, they had multiple CW workers.

*“During the first six months that the CCF supported the youth, there has been a lack of continuity of CW service. In six months, three different workers have been assigned to this youth”. - CCF*

The CCF was foundational in addressing this. For youth who are dually-involved, this is not only insufficient, but leads to key players being ignorant of a youth’s complex needs. Each case requires everyone to be working collaboratively while centring the young person. Case conferencing offers the venue to check in with each other to ensure each party is held accountable for operative tasks, for example in meeting the young person’s educational needs and ensuring that their placement is functioning well. It is, however, important that stakeholders bring productive attitudes and outlooks to these conferences. Without a foundation of youth-centring, anti-oppressive practices, and a trauma-informed lens, conferences can easily be misused. The Project has witnessed success when these principles were centralized, and a lack of success when a deficit and “risk-management” approach was fostered. Cross-sectoral conferencing takes many forms. Scheduling these conferences can sometimes be a challenging and time-consuming aspect of the process; however, when utilized correctly, the youth we support flourish and their needs and goals are known by all. A case



conference is primarily a planning conference for the youth. The aim is to reduce the judicial interactions for the youth. The only way to have a successful conference is if the youth's voice is centred. This means listening to what the young person has to say, as they are the expert in their life. In no way should this be a process of convincing the youth that you, as the worker, know best, and that they would fare better if they listen to you. The space should be given to the youth to feel comfortable and safe, in respect to how they define the former. Thus, before initiating a conference, the case facilitator must conference with the youth and ask what this would look like for them and be informed of the purpose of the conference in itself. Stakeholders should assist by brainstorming ways to logically achieve what the youth is expressing in a reasonable manner. For youth who have out-of-jurisdiction charges, there is an identified issue towards the lack of formal policies to traverse charges. Thus, a case conference can bring all stakeholders together in order to create a collaborative and creative plan of action. The YCJA stipulates the reintegration and rehabilitation of a youth into society; however, the disconnect between CW and YJ creates barriers in this occurring, as identified in case notes.

### Oppressive Institutional Cultures

The Belleville site found that, regardless of a young person's reason for entry into care (either protection concerns or parent-teen/parent-child conflicts), while residing in out-of-home placement, operators framed the young person within the context of a community safety concern, rather than building upon their existing strengths. Of particular concern to stakeholders in the Belleville site was sizeable for-profit group care settings. These settings often fail to follow through with individualized plans of care, which are crucial for young people coming from complex histories of trauma. As a result, further controls are imposed upon the young person, resulting in procurement of administrative breaches, due to trivial conditions and the institutional philosophy of CW and YJ systems.

### Case Study:

Voided of identifiable information and altered to ensure confidentiality.

*Wallace is a 17-year-old who identifies as a white male. He lived with his biological parents until infancy. He was diagnosed with FASD. His biological parents struggled with addiction and as a result were no longer there to care for Wallace. He was then adopted by his aunt, whom he calls mom. Wallace presents with symptomology reflecting PTSD. He was never diagnosed with this; however, his aunt advocated to get him the supports he needed. In the end, he did not receive them. As a result, she felt very discouraged. As Wallace reached adolescence, his needs became greater, and his aunt was no longer able to care for him. Since then, Wallace has had approximately 15 placements throughout Ontario. Every time Wallace leaves a placement, it is because the home refuses to service him anymore.*

*Wallace received his first charge in group care for mischief under \$5,000. Since then, Wallace has been charged in the community and in a number of placements. The CCF communicated constantly with his CW worker, who was located in Waterloo, where his aunt lives. Wallace,*

*however, was moved to Belleville. The CCF wanted to ensure Wallace, his CW worker, aunt, and CCF are present for his Plan of Care Meeting. His worker was committed to this. However, a month later the CW worker stated that the plan of care was completed the day before due to a deadline to the Ministry. The CCF was made aware that Wallace was to be moved to a different group care setting within the region of Belleville. A Section 19 case conference was then called to create a plan of care that would support Wallace's wishes to live in Waterloo, closer to his aunt. Stakeholders from education, mental health, his probation officer, his aunt, and his CW worker were all in attendance. Wallace remained quiet throughout the proceedings of this conference. However, the CCF centred his voice by ensuring his wishes were heard by all members present at the conference. Following two more conferences, the CW felt comfortable to approve Wallace's older cousin as a residential surety. Wallace has stabilized in Waterloo living with his cousin.*

*Wallace expressed that he was grateful to be living closer to home. Wallace mentioned to the CCF that he has an older brother who, like him, experienced instability, trauma, CW involvement, and YJ involvement. His brother turned 19 two weeks ago and received adult charges for aggravated assault on a peace officer and weapon charges. Wallace reflected how that could easily have happened to him, as well.*

### *Case Study Analysis*

Wallace's case study highlights how great instability stemmed from a group care charge and led to his deep penetration into the YJ. Wallace was never consulted in regard to where they would prefer to be placed and what supports they felt they would need to manage such an extreme shift in environment. His frequent placement moves and lack of appropriate supports to him and his family accelerated his involvement in both the CW and YJ systems. The CCF became a great advocate for Wallace, which resulted in his placement closer to home.

A section 19 conference was used in order to create a wraparound plan to address root issues relating to Wallace's mental health, residency, and education needs. By virtue of having all stakeholders together, a plan that greatly benefited Wallace was created. Once he moved closer to home and gained access to consistent mental health support, Wallace no longer "acted out" provocatively. While the CW worker did not feel comfortable having Wallace's mother as a residential surety, his older cousin was seen as a positive role model for Wallace. His older cousin, aunt, and Wallace now attend counselling together. The goal is eventual reunification. Wallace's brother was exposed to the exact living arrangements and experiences within the CW and YJ system as he was. He was never offered wraparound services to meet his well-being and rehabilitative needs. As a result, his brother entered the adult system.

### **Discussion**

Children and youth are placed into care for a variety of reasons. However, the majority of young people enter the CW system in Canada (Ontario and Manitoba studies indicated) due to protection concerns, including abuse and neglect (Turner, 2016; Burnside, 2012). While 41% of

young people entered care for this reason, 58% had initial CW involvement for parent/teen or parent/child reasons. Young people with initial CW involvement due to protection concerns trended towards penetrating deepest into the YJ system, as compared to youth that entered care due to parent/teen or parent/child conflict. This finding mirrors the literature, in which the younger a child is upon their entry into the CW system, the more likely they are to deeply penetrate the youth criminal justice system (Australian Institute of Health and Welfare, 2017). The slight majority of young people involved with the Project's Belleville site entered into the CW system for parent/teen or parent/child conflict. Of young people ages 12-15 years at the time of initial CW involvement, parent/teen or parent/child conflict was the most predominant cause of entry into that system. To this end, and further mirroring the experience of young people involved in the Project, Orsi, Lee, Winokur, Pearson (2018) explain that CW systems are designed to protect children from child maltreatment, but too many older young people are entering into the systems for reasons other than what it was designed for. Increasingly, young people are entering into the CW system because "they can't get along with their parents. Or because of the teens' challenging behaviors, such as defying their parents, being truant from school, running away, abusing alcohol and drugs or engaging in risky sexual or other activities that threaten their well-being or safety" (Orsi et al., 2018, p.15).

The Project supported many young people with a known and formal diagnosis to CW, and the most commonly reported was FASD (40%). Fuchs, Burnside, Marchenski, and Mudry (2010) found that youth with FASD may be overrepresented in Manitoba's CW system; furthermore, a youth with FASD reasons for initial entry into care is more likely to do with the parental situation (62%), rather than a youth's conduct (6%). Placement stability has been suggested to promote more positive outcomes for youth who experience FASD, which requires substantial work from a cross-sectoral team led by a CW worker (Pelech, Badry & Daoust, 2013). The Project found youth with FASD often had a concurrent diagnosis, such as ODD, anxiety, and ADHD. Often group care settings would not be a source of stability or provide the appropriate therapeutic services advertised to families. Case-conferences were called to address this issue and find more suitable housing options, since it is not uncommon for Belleville residential placements to be used as an "emergency placement".

Although older youth are entering the CW system for reasons other than child protection concerns, such as a care-givers' inability to manage their behaviours, it is not to say that these "difficult to manage" behaviours are not a symptom of trauma. Recent statistics have raised the alarm on the prevalence of domestic violence in Canada (Government of Canada, 2018) and the impact of witnessing domestic violence on children and youth. Young people who grow up in hostile or abusive family environments learn to emulate the aggressive behavior witnessed at home as a way of keeping themselves safe (Wolfe, Crooks, Lee, McIntyre-Smith & Jaffe, 2003). When youth enter the CW system at an older age, they may have already spent considerable time in a hostile home environment. This increases the likelihood of internalizing aggression and hostility as a strategy to cope in that environment, or alternatively presenting with externalized behaviors that also serve as survival strategies. When these youth are moved from their home and placed in a residential setting, such as group care, they revert to these internalized or externalized coping strategies in order to protect themselves from what they



perceive as unsafe environments. These styles of interaction and patterns of coping are learned from a long history of witnessing domestic violence and intense conflict in their home. These youth automatically replicate these dysfunctional ways of communicating or resolving conflict in other settings (Finlay, 2009). As older youth are entering CW with more severe behavioural challenges and complex needs in comparison to younger children, group care settings rather than foster homes are viewed as a more favourable placement option by CW agencies. Group care is assumed to be more equipped to manage these young people due to the staffing model (Burnside, 2012; Robst, Armstrong, & Dollard, 2011). Unfortunately, the streamlining of older youth into group care settings can have deleterious outcomes. Consistent with the literature (McFarlane, 2018), it was the experience of the Project that group care settings acted as a point of first entry for young people into YJ.

Young people in out-of-home care (group care and foster home placements) are significantly overrepresented in the YJ system, both internationally (Australia, Scotland) and within Canada (Bala, Finlay, De Filoppis & Hunter, 2014; Colvin, McFarlane, Gerad & McGrath, 2018). This phenomenon is referred to as 'care-criminalization', which suggests that the living arrangements for youth in care create an environment for offending, rather than one designed to protect them (McFarlane, 2018). It is important to remember that these youth will likely associate the group care setting with all the hardships they experienced in their life, including being taken away from their community and their family. Studies out of Australia, London, and Scotland acknowledged the readiness of out-of-home care staff, particular group care settings, to call police for youth's minor infractions. This is identified as a key element in the process of criminalization (Hayden 2010; Paul 2008; Shaw 2017; Staines 2015). The literature suggests that police feel it is their responsibility to charge a young person when they are called to a group care setting, presumably due to the frequent calls for service they receive (Gerard, McGrath, Colvin & McFarlane, 2019). Police respondents of this study stated they were often called to respond to what may be considered 'non-policing issues' (Gerard, McGrath, Colvin & McFarlane, 2019, p.83). This supports the Project's findings and raises awareness of the necessity of institutional policies and protocols to prevent the criminalization of youth in group care settings. These are instrumental to keeping youth out of care and change practices within group care settings to rely on law enforcement, which, as stated, accelerates a youth in care's involvement in YJ. These observed patterns bring attention to group care settings that serve both as a pipeline into the YJ system and as a cause for a young person's deeper penetration into that system. This further underscores the need for proactive family supports and interventions aimed, whenever possible, at keeping young people in their family homes and offering in-home supports to families requesting CW assistance.

Supporting the Project's findings, Ryan and Testa (2015) found that frequent placement changes within the CW system significantly escalate the risk of juvenile delinquency. It is utterly comprehensible that young people are not overly eager to move far away from their communities and schools to out-of-region group-homes with little information about where they are going. This is especially understandable for racialized and Indigenous young people, who are told they have to move to rural, predominantly 'white' placements and communities, hours away from their support networks. For young people with histories of trauma,

particularly older youth, such approaches to care can be counterproductive, especially for young people who have learned self-protective coping strategies that may be viewed as provocative, aggressive, or non-compliant by staff (Finlay, 2009). With every move, a young person commences a psychological process. However, if this process is disrupted, a myriad of problems arise. “Psychological damages resulting from placement can lead to problems with interpersonal skills, emotional regulation, and cognitive information processes. These problems can result in a variety of risk taking behaviors, including, but not limited to, delinquency” (Chiu, Ryan, & Herz, 2011, p. 859). These consistent moves are understood as a loss, and it is the Project’s experience that youth were never offered opportunities to heal. Instead, service providers expected these young people to adapt instantaneously. While many cross-over youth are coping with layers of trauma, a placement move becomes another trauma that they are forced to heal from. Young people must be provided the space and opportunities to have a voice, agency, and time to grieve. They must be offered more discretion when adjusting to new spaces. There is a recognition that specific policies and practices within group care settings appear to accelerate law enforcement agency involvement (McAra and McVie, 2010). While there are a variety of issues that lead to the overcriminalization of young people living in group care settings, the Project observed that, too often, a young person’s right to a voice in the placement-decision making process was not guaranteed. For many young people living in out-of-care settings, the consequences of their wishes not being heard by those making decisions on their behalf leads to poor matches between the youth and the placement. This results in breakdowns in placements, resulting in multiple moves and the incurrence of group care related charges and breaches (MCYS, 2016). The former has complex and deeply intertwined issues, which have the potential to be mitigated through increased discretion and embodiment of the three pillars of the Project.

### Summary

Given the unique life experiences of each of the cross-over young people served through the Project’s Belleville site, there is no single way to describe the trajectory of young people who become dually-involved within CW and YJ systems. Information captured through the intensity of the case work fostered a deeper understanding of the lived experiences of 20 cross-over youth, and revealed interesting trends and patterns that warrant further consideration. Of the known age of entry into care, a review of 11 of the 18 full-service case files in the Belleville site revealed that the majority of young people (61.1%) entered the CW system as an older youth (12 and above). Those young people who entered the CW system as children aged 11 and under accounted for the remaining 39%. The majority of the youth served by the Project entered the CW system as older youth and due to parent/teen or parent/child conflict. The Project found that youth were more likely to enter care for parent/teen or parent/child conflict due to mismanaged formal diagnoses and inapt supports.

The Belleville site found that, regardless of a young person’s reason for entry into care (either protection concerns of parent-teen conflicts), while residing in out-of-home placement, operators framed the young person within the context of a community safety concern, rather than building upon their existing strengths. The home in itself was not therapeutic, and often a

youth was relocated and/or charged due to their “provocative behaviours”. As a result, further controls are imposed upon the young person, resulting in administrative breaches, due to trivial conditions and the institutional philosophy. The Project, Belleville site found that youth entering care for protection concerns were more likely to incur more severe charges. The Belleville site observed multiple placement breakdowns as a major indicator for the deeper penetration into the YJ system. Many young people were charged shortly after their entry into a new group care setting. The Project uncovered evidence pointing to a trend that youth who entered CW for protection concerns received more administrative charges. As a young person was often seen by the CCF to be moved out of the home and charged again in their new care setting. This was a cyclical process for youth serviced at the Belleville site. This highlights the need for added discretion and empathy as young people psychologically process this transition. The Project found that youth who entered care for protection reasons were more likely to be exposed to placement instability, which was exacerbated by the treatment of out-of-home placements. The patterns and trends observed by the Project as it relates to group-care operations, placement instability, and recidivism suggest that placement environments are not appropriately matched to a youth’s individualized needs. Greater attention needs to be paid to CW placement decision processes. Matching a youth’s needs to their placement is a catalyst to enhanced placement decisions. Youth must be included in these discussions, which should be developmentally appropriate and guided by a trauma-informed, youth-centred, and anti-oppressive approach.

Group care charges were a predominant theme in the lives of cross-over youth served through the Project. An overwhelming majority of youth (70%) received a charge in an out-of-home placement. Notably, 60% of youth received their first charge while residing in a group care setting. The Project observed direct processes responsible for the increase in offending behaviour, as group care spaces pushed a young person into the YJ system through common practice. Most common was the issue of police being called as seemingly “behavioural issues” or “non-policing issues” arose. The reliance on police aligned with the research on ‘care-criminalization.’ The Project also observed that many of the group care settings’ policies inadequately addressed and contributed to this trajectory. The Project found that, in certain circumstances, policy required group care staff to call police. In other instances, group care staff were motivated to call the police due to their own inability to co-regulate. This response, and a lack of mental health understanding, propel the trajectory of CW youth into the YJ system. Following Ontario’s Ministry of Child and Youth Services’ (MCYS) Residential Services Review, there has been increased attention towards the current state of Ontario’s Residential Services Sectors. Increasingly, young people, especially older youth, are being placed in group care settings that are ill-equipped to manage the growing complexities of a young person’s profile upon entry. The consequences are severe. For young people with complex trauma histories and mental health needs, group care settings can act as a pipeline into the YJ system. This was certainly reflective of the Project’s experience working with cross-over Youth in the Belleville Site.

## THEME TWO: PSYCHOSOCIAL IMPACTS OF PLACEMENT AND CRIMINALIZATION

### Overview

Cross-over youth represent a unique population of young people, many of whom are deeply impacted by histories of early childhood trauma and neglect. The impact of trauma on young people often presents itself through substance abuse issues, multiple mental health diagnoses, and difficulties in developing and maintaining healthy relationships (Oudshoorn, 2015). While not all young people who have histories of maltreatment become involved in the justice system, far too often their externalized expressions of trauma are criminalized. This is especially the case for young people with CW involvement, particularly youth who are placed in group care settings. This theme highlights the issue of group care placements and related charges as observed by the Project. The literature has theorized that there is not a direct link between a child's involvement with the CW system and a subsequent involvement in the YJ system, but rather that a past history of trauma leads to involvement with the CW system, and this past trauma also leads to behaviour that brings the child into conflict with the law and involvement in the YJ system (Bala, Finlay, De Filippis, & Hunter, 2015, p.7). The correlation between child maltreatment, trauma, and a young person's involvement with the YJ system is well-documented. Young people who are involved in the CW and YJ are likely to carry with them experiences of trauma, many of which can be referred to as complex trauma, due to the persistence and pervasiveness of these traumatic experiences (Bath, 2008; Hanauer, 2015; Oudshoorn, 2015).

The depth of such traumas impact young people in every facet of their lives, including brain development and function, worldview interpretations, emotion regulation, bodily responses, and behaviours (Bath, 2008; Freeman, 2015; Oudshoorn, 2015; Hanauer, 2015). In addition to being more likely to have CW involvement, as cited by Oudshoorn (2015), as many as 90% of young people involved within the youth criminal justice system have experienced some form of past childhood trauma (Dierkhising, Ko, & Woods-Jaeger, 2013). The findings from Dierkhising, Ko, & Woods-Jaeger's (2013) study through the National Child Traumatic Stress Network suggest that justice-involved young people "report high rates of trauma exposure and that this trauma typically begins early in life, is often in multiple contexts, and persists over time" (p.1). The Project found that all full-service youth had mental health needs that arose from trauma and loss, which often went mismanaged. The Project supported 11 youth, or 55%, that had been formally diagnosed. However, there were no familial supports or resources put in place for the families to negotiate the challenging behaviours of their youth.

### Trauma: A Spoken Word

Below is a powerful spoken word depicting the impact trauma has on cross-over youth, entitled 'Trauma' by Kayla Hannan.

**T** for the triggers you experience every day because although this person kisses your skin out of love it brings you back to the times you try so desperately to forget



**T** for the clenched teeth and tremendous night sweats that come free of charge with the night terrors

**R** for the self-proclaimed righteous rescuer that deemed themselves ruler of your body, mind, and thoughts

**R** for the repulsive feeling you drown in when looking at your reflection

**A** for the artificial love and protection from an arrogant abuser

**A** for the alcohol consumed to help you accept the fact that this is *ALL* my fault

**U** for all the obvious untruths you told because you're such a storyteller

**U** for the urge to end it all because after all you are just an ugly undesirable object

**M** for all the mental health labels that will follow you through life- Anxiety, Depression, Post Traumatic Stress Disorder

**M** for the manifestation of self-mutilating thoughts that haunt you constantly

**A** for *ALL* the people that didn't believe you

## Trauma

The experience of the Project was that every young person had experienced some form of trauma or loss in their childhood. Many of the young people the CCF supported coped with mental health symptoms.

*"Youth often expresses that he does not have a lot of hope."- CCF*

*"Youth has been diagnosed with Autism and Post-Traumatic Syndrome Disorder (PTSD). Probation Officer reported that the triggering event was caused by something he witnessed in his family home". -CCF*

When these youth incur charges that propel them into the YJ system, their lives become more complex as they navigate both systems. More often than not, the young people served through the Project were attending court without a parent to act as a strong advocate. For many of the

young people served through the Project, the CCF filled this role. For young people with trauma histories, the ramifications of feelings of helplessness and powerlessness deter from the sense of safety that is needed to begin healing.

### Stigma

Most youth experienced the stigma of coming from the CW system. Youth are often labelled as outsiders—disruptive and bad. Many group care settings have responded to this community pressure defensively and with the aim of reducing the conflict that their presence creates. They try to reduce the impact of having placed a group care setting in a certain neighbourhood or jurisdiction by hiding and isolating the youth they serve. For the most part, youth in residential group care did not attend the local schools. It is not clear if they were barred or just strongly encouraged not to enroll.

### Isolation

Due to the multiple disruptions in placements, schools, youth criminal justice involvement, and CW policies and practices, there is a gap in a cross-over youth's connection to community relationships outside of social services. Through case work, it was noted that youth often have few opportunities to develop their informal networks.

*"Youth does not have any informal community connections or relationships". -CCF*

As identified by the CCF, many young people expressed a degree of isolation while residing in new placement communities. Some experienced racism and discrimination from community members who are not used to seeing diversity in their community.

*"Youth's previous charge was for physically assaulting a White male who made racist remarks about him being Black". - CCF*

*"This youth said it was isolating experience to be moved to a predominately white community and placed in group care setting made up of staff that also lacked cultural diversity." - CCF*

The Project directly observed instances in which young people were not offered opportunities to evolve positive social bonds and experiences due to their placement in group care.

*“Youth requested to attend the local school in a classroom setting which was denied by CW. CW Supervisor only supports a Supervised Alternative Learning educational program where the school work is completed in the group care setting involving group care staff.-CCF Therefore, CW has not explored school programs that will provide youth an opportunity to support her educational goals and have peer connections”. - CCF*

*“Home Supervisor described how they used outings (restricting or allowing outings) as a way to discipline youth. Given that the youth already have limited positive connections to the community and tend to be more isolated from developing a peer group outside the group care setting, this approach is not beneficial to youth. Reliance on consequence-based discipline is not helpful for cross-over youth who need a more compassionate, youth-centred approach to building resilience and capacity of youth through positive experiences”. - CCF*

*“Group care setting does not devote sufficient staffing resources to provide individualized recreational programs based on youth’s interests such as physical activities outside and organized sports in the community”. - CCF*

Many young people described the experience as isolating. Youth have a right to participate in and engage with the world around them; group care settings must be a link to the community, rather than a barrier. The literature recognizes that these complex experiences attribute a push and deeper penetration into systems (Stanley, 2017). The former review emphasized the need for set standards for quality of care, particularly as these undefined standards have cultivated a setting that is potentially criminogenic (Hayden, 2010). Young people who reside in out-of-home placements, particularly group care settings, are exposed to hostile settings. This arises from the distinct rules and rigidity of both the system and the setting. The former clashes with the “push back” response of adolescents. This reality leads to young people incurring not only charges in these spaces, but often their first charge.

### **Recycled Narratives**

An issue of recycling narrative arose, as a youth stated that they did not know how to engage with people socially. Many young people are expected to share their life story with an array of professionals in order to qualify for needed services. This young person later expressed that afterwards she learned it was not appropriate to do so with new friends or colleagues.

### **Educational Disruption**

The Project, noted cases whereby young people are falling behind in their educational attainments. Cross-over youth who have experienced instability in their placements or living arrangements experience major disruptions or are excluded from attaining their high school

diploma. As understood by the CCF and Belleville Steering Committee members, these disruptions result from frequent moves or they are either barred and/or not strongly encouraged to enroll.

*“Youth’s instability has made it difficult to make progress in his education”. - CCF*

*“Cross-over youth who have experienced instability in their placements or living arrangements experience major disruptions or excluded from attaining their high school diploma”. - CCF*

*“Youth is isolated in his current educational program. After he was suspended from the local high school, he completes school booklets at the group care setting. Youth would benefit from an educational setting that had peer contact as well as specialized support to respond effectively to the youth’s needs related to his FASD (and his experience of trauma).” - CCF*

In instances in which a youth requested to attend the local school in a classroom setting, they were denied. Supervised Alternative Learning education programs are preferred by CW agencies in Belleville. CW agencies must consider plans of care that provide opportunities to support educational goals and cultivate positive peer connections. The Project found that, the more instability to which a young person was exposed, the more barriers in education they experienced. It was not uncommon for a youth to feel frustration and a lack of connection with peers or a sense of well-being as a result. Often, they would act out on these surmounting experiences. Moreover, while in the classroom setting, youth exhibited their outward frustration and diagnoses, which often led to expulsion or suspension. In the case notes, it was never mentioned that a young person was offered an educational assistant; instead, they were offered limited chances and forced into Supervised Alternative Learning. The Project, Belleville site found that many youth were isolated in Supervised Alternative Learning programs that often took place inside the group care setting.

### Case Study

The following case study, void of identifiable information.

*Carly is 14 years old and identifies as an Indigenous female. She originally lived in Mississauga, where all her networks of support reside. Even though she did not live with her guardians, but rather in a foster home, she had lived there her whole life and made rich connections with extended family in the area. Carly was removed from her home due to domestic abuse; this*



*greatly impacted both her and her mother's mental health. Carly has been exposed to great degrees of trauma throughout her life. As she reached adolescence, Carly began to miss curfew, talk back, and experiment with drugs and alcohol. The foster home could no longer support her due to her "high needs and extreme behaviour". Her extended family did not have the supports in place to enter a kinship agreement. Consequently, Carly was moved out of the region to Belleville and placed in a large group care setting. Carly was never consulted by her CW worker and had no input into where she would like to reside. While residing in the Belleville area, Carly experienced great isolation, instances of racism, lack of engagement, and extreme frustration.*

*After a month, Carly became extremely frustrated, as she felt she was being held "captive" inside the home. There were few attempts to engage her in community activities. One evening Carly became extremely upset, as it was her cousin's birthday and she was unable to make a call to her. She had lost phone privileges as a consequence of missing curfew the night before. Carly broke a house lamp. Immediately she was remorseful and apologized to staff, who had cleaned up the scattered pieces. The issue was resolved between the staff member and Carly; there were no injuries to either of them. When the supervisor of the home heard about the incident from staff, the supervisor instructed the staff member to call the police and charge her. The supervisor has no personal relationship to Carly. The police arrived and Carly received her first charge of Mischief under \$5,000.*

*As Carly continued to reside in this setting, she felt a greater disconnect from the outside world. She felt detached from herself and her community. She became more reserved and kept to herself. She experienced great levels of anxiety and depression. Staff members never engaged Carly in a conversation to see how she was doing. Her quiet tendencies suggested to staff that she was simply shy, rather than experiencing great depression. She was suffering in silence. Due to this approach, Carly lost all trust in staff members and did not connect with any other peers in the setting. She did not want to reside here anymore.*

*One month later, a fellow peer made a racist comment to Carly. She then stormed to her room and threw the dresser. Carly was under bail conditions from the previous incident. One of her conditions stated that she must "follow the rules of the home". Staff were worried that Carly's behaviour would escalate quickly and harm someone in the home, even though her previous behaviour never gave reason to suggest this. Upon hearing the dresser fall, staff immediately called the police, without first initiating a conversation with her, nor debriefing with her. Police arrived and Carly was once again charged with Mischief under \$5,000 and an administrative breach, failing to comply with bail conditions.*

*Carly has received two sets of charges while residing in this group care setting within the span of two months.*

### **Case Study Analysis**

Carly's story was not uncommon amongst the young people served through the Project. CW agencies hold a responsibility to uphold the rights of children and youth to be involved in

decisions that impact their lives. As exemplified in case-note examples, many young people are placed far from their home communities and schools to out-of-region group homes with little information about where they are going. The consequences of this are notable. Foremost, isolation is significant in the lives of young people in residential care (Gharabaghi, 2019), and being moved far from their families and communities contributes to this. As explained by Gharabaghi (2019), non-white youth, such as Carly, are often placed in group homes in predominantly white communities in which they are visibly identifiable to outsiders (p.31). Carly's story highlights the issue of the reliance on police for behaviour management. Furthermore, it points to the issue of no set standards for quality of care, especially as it relates to staff training and youth engagement.

## Discussion

The literature has theorized that there is not a direct link between a child's involvement with the child welfare system and a subsequent involvement in the youth criminal justice system, but rather that a past history of trauma leads to involvement with the child welfare system, and this past trauma also leads to behaviour that brings the child into conflict with the law and involvement in the youth justice system. (Bala et al., 2015, p.7). There is a growing body of literature surrounding the interrelatedness of adverse childhood experiences and its impact on adolescent development and increased risk of a young person's criminal justice involvement (Baglivo, Wolff, Piquero, Bilchik, Jackowski, Greenwald & Epps, 2016; Hirsch, Dierkhising & Herz, 2018). Frequently, a trauma history influences a range of mental health concerns and addictions. As stated by Freeman (2015), "Childhood trauma can impact the whole young person, especially the way an individual thinks, feels, and interprets the world" (p.121). Traumatic experiences not only shape the way young people see the world, but also put young people on paths that they did not necessarily choose for themselves (Oudshoorn, 2015). For many young people, symptoms of such trauma include heightened levels of stress, which presents itself through externalized behaviours that impact a young person's choices (Oudshoorn, 2015). Cross-over youth are young people with trauma histories that manifest, in many cases, multiple mental health diagnoses.

The literature reveals that young people who experience adverse childhood experiences, such as, trauma, neglect, and exposure to violence are at a higher risk for recidivism (Bala, Finlay, De Filippis, and Hunter, 2015; Dean, 2011; Gordeyko, 2017). Yet a lack of preventive mental health supports was well-documented by the CCF as a concern for young people served through the Project. The probability of further exacerbating mental health issues through multi-system involvement is of significant risk for young people trying to cope. In these circumstances, the importance of improving communication and cooperation between stakeholders becomes even more imperative. When a young person is exposed to trauma they develop survival skills that are consistent with their environment; however, these behaviours are commonly considered disruptive, and lead to the labeling and stigmatization of young people (van der Kolk, 2005; DeCandia & Guarino, 2015; Oudshoorn, 2015).

“Kids who are in trouble with the law have it really bad sometimes. They are the way they are because they’re abused or neglected at home. Then they get in trouble and they’re labeled as bad” (Buckley, 2006, p.24).

As cross-over youth are adapting to the new space, regime, and rules of the group care setting, additional discretion should be used, especially for youth who have been moved to Belleville from their home community. Ensuring that young people feel safe in group-care settings is essential to their growth and well-being. According to Gharabaghi (2019), safety, in a broad sense, is defined through a young person’s capacity to meaningfully and consistency exercise their right to develop a sense of autonomy. However, this is often compromised in group-care settings in which young people are robbed of their privacy through over-surveillance (Gharabaghi, 2019). Young people then experience a heightened sense of instability and insecurity as they adjust to this space. If a staff member responds punitively, it will diminish the relationship and trust, which is foundational to the young person’s well-being and success. Therefore, discretion should be used to understand the individual experiences by centring the youth. Youth require additional support, guidance, and compassion during their transition period into the home.

Group care settings, particularly in Ontario, are often considered by CW agencies as the best placement options when the care needs of young people surpass the capabilities of parents and caregivers (Ontario Centre of Excellence for Child and Youth Mental Health, 2016). Given the complexity of their needs, it is not surprising that the majority of cross-over youth served by the Project have had group-care placements. Through analyzing case notes, the Project, Belleville site found that, while youth were residing for a short period of time in a group care setting, they received their first charge by staff themselves. Instead of viewing a young person’s behaviour as the catalyst for subsequent involvement in the YJ system, it is clear that their involvement is due to processes of ‘care-criminalization’ (McFarlane, 2016). It is widely recognized that, with appropriate training and support, staff are able to effectively respond and de-escalate a situation when they arise (Gerard, McGrath, Colvin & McFarlane, 2019). Youth in the CW system must feel welcomed in their new home. It is unconscionable that they would be made to feel ashamed after the trauma they have experienced. It is important for group care settings to take a lead role in educating their communities. Communities should be encouraged to integrate their new citizens and encourage them to participate in local activities. Youth will feel more invested and accepted. This will lead to fewer points of conflict resulting from feelings of rejection and persecution. Reducing those feelings is a vital part of a pre-escalation plan.

One predominant aspect of the overcriminalization of youth in care is the overwhelming number of breaches incurred in group care settings as young people await resolutions to pending charges. The Project believes that in almost all of these instances, group care-related charges and criminalizing otherwise non-criminal behaviour of CW youth is incongruent with a youth-centred, trauma-informed, and anti-oppressive principles approach to the provision of care in residential settings. CW agencies have a responsibility to uphold the rights of children and youth to be involved in decisions that impact their lives. Foremost, evidence has suggested

that alternative forms of out-of-home care (i.e. foster home settings) render better treatment outcomes for young people than group care settings (Robst, Armstrong, & Dollard, 2011). The majority of youth that the Project serviced, however, resided in group care settings. Furthermore, given the rise in youth with complex needs being placed in these settings, it is discernible that young people with group care experiences have become significantly overrepresented within the YJ system (Bala, Finlay, De Filoppis & Hunter, 2014; Colvin, McFarlane, Gerad & McGrath, 2018). In Ontario alone, it is estimated that over 50% of young people living in group care settings will incur criminal charges related to something that was done within this placement (Scully & Finlay, 2016). For many cross-over youth, group care placements serve as a direct pipeline into the YJ system (Finlay 2013). While disappointing, given the recent attention being paid to Ontario's residential service sector, this is not surprising.

The Project with cooperation from local police services created 'Considerations for Best Practice: Police Response' (see Appendix 3). This was informed by data collected through a series of methods. The information contained within this guide was primarily derived from following cross-over youth through the court process in Hastings and Prince Edward county. Furthermore, the Cross-over Youth Project conducted one-on-one interviews with eight police detachments (Belleville City Police Service, Toronto Police Service, Prince Edward County, Quinte West, Brighton, Thunder Bay Police Service and Brantford Police Service). Additionally, interviews were conducted with local stakeholders, including group care operators and their representatives, court stakeholders, and youth. Periodic check-ins were conducted with these individuals as the project progressed. These considerations were devised to address the themes that emerged from the data. The themes were then compared against the experience and data in other pilot sites including Toronto, Thunder Bay, and Brantford. Additionally, these themes were compared against both national and international literature on the relevant subjects. Once the information was collated, it was presented to the stakeholders for feedback, and that feedback was incorporated into the report.

In 2016 the Ontario's Ministry of Child and Youth Services (MCYS) participated in a large-scale Residential Services Review, which shed light on a fragmented residential care sector. As it relates to the complex needs of dually-involved young people, the Residential Review panel's statement regarding the capacity for the provision of specialized care is particularly problematic. Specifically, the panel expressed deep concern that in its current state, Ontario's residential care sector is ill-equipped to meet the "increasing demands related to the claim of the greater complexity of child and youth profiles in residential settings" (MCYS, 2016, p.62). A lack of qualifications of direct-care providers is an overwhelming characteristic of Ontario group care programs, and directly impacts the quality of care a young person receives (Gharabaghi, 2019). This is concerning for several reasons, one of which is that cross-over youth are young people with significant trauma histories. The impact of their trauma is presented through the externalization of challenging behaviours, such as hostility and aggression. These behaviours can be interpreted through the cycle of violence theory, which posits that the pain from trauma transfers into violence, whereby the victim becomes an aggressor (Oudshoorn, 2015). This perpetration of violence is when many young people begin to engage in the YJ system. These



episodes are triggered by either a re-enactment of previous trauma, or a need to combat overwhelming feelings of shame and humiliation. There is a high prevalence of traumatized young people in the YJ system, because “young people often hurt others because they are hurting” (Oudshoorn, 2015, n.p). Many cross-over youth have been exposed to adverse childhood experiences, which has resulted in their CW involvement. Youth who have experienced family conflict (exposure to domestic violence & domestic conflict) may re-enact what they have seen in their family home when they are placed in a group care setting. As a result, group care staff are unable to handle the situation, which escalates, and the young person is charged. Through case work, the Project found that, of the six youth in the Belleville site who were known to have experienced family conflict, four were charged in out-of-home placements for assault (67%). This finding mirrors the literature (Finlay, 2007). Cross-over youth are perfectly positioned for long-term intervention before the issues escalate to an unmanageable degree. Their development is still very malleable. Agencies should mandate a more proactive, positive intervention through policy reform. Consequently, the very behaviour through which youth express themselves is permeated in experiences. It is recommended that strength-based, neurosequential approaches are adopted within group care settings, which place trauma throughout the life course in perspective.

These behaviours are often demonstrated within new care-giver relationships (i.e. relationships with group-care staff), as a way for a young person to protect themselves from being hurt again. For young people with trauma histories, relationships are significant. Fox (2019) emphasizes that relationships are what have hurt young people, and will also be what helps them heal. However, when group care staff over-rely on police intervention as a way to manage a young person's external expression of their trauma and grief, it detracts from a young person's sense of safety, both in the group care setting and in their relationships with group care staff. This undermines the young person's sense of safety in their environment and in their relationships before they can begin to heal childhood trauma and maltreatment. Despite the residential sector having been exposed as systemically ill-equipped to meet the rising complexity of care needs amongst young people entering into the CW sector, group-care settings are heavily relied upon as placement options for Ontario's most vulnerable young people. According to the *Toronto Star* (2015), there are 3,300 youth living throughout approximately 484 group care settings across Ontario.

The Project found many full-service youth experienced educational disruptions. The literature states that the highly structured nature of group care settings may hinder a young person's pursuit of individual development in both extra-curricular and academic activities (Barth, 2002). A study in British Columbia found that a higher proportion of youth in care are more likely to become justice-involved (36%) rather than graduate from high school (25%) (Turpel-Lafond, 2009). Advancing this, the study found that, once a youth in care became justice-involved, their likelihood of graduating from high school dropped from 25% to a mere 13%. This pattern supports the findings of the Project. It is well-established that the attainment and promotion of such activities builds self-confidence and evolves one's sense of well-being. Noteworthy was the lack of resources in these settings, specifically related to staff's availability to offer homework support, which further hindered the advancement of their diplomas. When a youth

is isolated from peers, they do not feel connected to their community, which prohibits their sense of belonging. A sense of belonging is core to youth engagement and positive youth development. Although there are other programs offered, home correspondence is not a realistic expectation for youth. These young people need to be re-integrated into the school community. During Belleville Steering Committee meetings, it was addressed that youth in care are stigmatized when they attend local schools. Education, high self-esteem, and positive peer networks are understood to be protective factors that may decrease the likelihood of re-offending. In their comparative study between cross-over youth and non-cross-over youth, Lee and Villagrana (2015) found that school plays a critical role in a youth's life in interrupting pathways into YJ. Educators must actively engage in supporting cross-over youth, rather than constructing them as "high risk offenders". Furthermore, they must be cognizant of the impact trauma has on problematic presenting behaviour and poor academic performance; understanding the impact of trauma is critical for permanency outcomes (Ford & Boo, 2005), while CW agencies must consider the impact of instability on a young person's pursuit for scholastic pursuits. A study conducted by Pitts (2004) found that subsequent destabilization brought on by frequent placement moves and breakdown has the largest effect on a youth in care's educational attainment and later precipitated their involvement in YJ.

### Summary

Through the CCF and conversations that developed from the Belleville Steering Committee, it was identified from the outset that young people in the Belleville site are experiencing the criminalization of their trauma symptoms. Many charges stem from a young person simply acting out their diagnosis and/or frustration. All group care settings must actually offer the treatment and therapy that they advertise. Many operators are falsely advertising their capacity and fail to provide the programming necessary for the youth they house. This has caused a serious crisis, as many other mental health agencies will not provide duplicate services if a group care setting is already being funded to provide them. The patterns and trends observed by the Project, as it relates to out-of-home placements and group-care related charges, suggest that group care continues to be a gateway into the YJ system, and a pipeline for further penetration once a young person has crossed over. Greater attention needs to be paid to services and interventions that interrupt this pipeline, such as proactive support and trauma-informed approaches to care. In reference to bail programs and group-care charging practices, there must be greater discretion by key stakeholders that aim to limit the over-use of police interventions. The lack of standards of care in these settings must also be consolidated in regard to quality of care. In conclusion, the psychosocial impacts of placement and criminalization for the full-service cases were understood to be experienced as trauma, stigma, isolation, recycled narratives, and educational disruption.

## THEME THREE: YOUTH JUSTICE SYSTEM PROCESSES

### Overview

Identifying and attending to the needs of cross-over youth requires stakeholders' recognition of the multifaceted reasons for their justice involvement. Often these seemingly "behavioural issues" have funneled them from the CW to YJ system due to group-care practices, as confirmed by the Project. Group care operators are enticed by the high daily rate paid by CW for youth with "complex" needs. Yet for-profit operators are motivated to keep expenses down to maximize their profit from the placement revenue. As a result, youth are pushed deeper into YJ due to fraudulent representations of the "therapeutic" home. In a review of case notes, the Project found that at least half of the youth in the Belleville site had 'out-of-jurisdiction' charges. The absence of consistent and simple protocols or policies to traverse charges between different court jurisdictions created communication challenges and undermined a timely resolution of *YCJA* matters.

In a review of the 20 full-service cases, the Belleville site found the majority of youths' (N=11, 55%) criminal matters were resolved through diversion. The Project found that the Crowns in Belleville exhibited notable discretion in diverting administrative and less severe charges. Some defence counsel stated that it was due to the Crown's comfort with exercising their discretion that there was such success in diverting youth matters out of formal proceedings. The Project observed success of formal and informal case conferences facilitated by the CCF as a medium to address unreasonable bail conditions that created obstacles to progress for cross-over youth. However, many bail variation challenges arose. In a review of case notes, it was often cited that that a young person's recognizance or probation conditions created circumstances that resulted in an administrative charge. While the *YCJA* has had success in removing minor cases from formal court proceedings (Sprott, 2012), the unintended consequences of bail conditions have developed. Bail conditions are intended to constrain a young person's behaviour while out in the community, and ensure that they return before the court; however, the Project observed that these conditions have resulted in further administrative charges, such as failure to follow the rules of the home or reside conditions. Instead of promoting their reintegration into society, these mechanisms were often the reason for their deeper penetration into the justice system and later caused their transition into the adult criminal justice system.

The literature recognizes that this push into YJ often results in starker dispositions, and less effective and often costly placement options. Lastly, "one size fits all" approaches are common practice (Office of the Provincial Advocate for Children and Youth, 2019; Orsi et al., 2018). Such approaches have not been effective in promoting rehabilitation. Coupled with mental health needs and/or substance use concerns, the systems confronting cross-over youth are some of the most challenging to navigate (Grisso, 2005; Mcardle & Lambie, 2018). Strategies to reduce recidivism rates and improving the welfare of these youth require change across multiple, complex systems.

## Administrative Charges and Multiple Jurisdictions

Through case facilitation, the Project observed that 50% of youth had charges from multiple jurisdictions. It was not uncommon for them to attend bail court for new charges and a breach of their previous charges, meaning they received an additional administrative charge for failing to comply with a previous order.

*“Youth was charged with an administrative breach (administrative charge) when she had inadvertent contact with the victim of the alleged assault at the local shopping centre”. – CCF*

The Project observed that youth returned to court with new administrative charges, on top of substantive charges, leading to prolonged periods before resolution. Furthermore, restrictive bail conditions, as cited by the CCF and Belleville steering committee, created barriers in attending school and prevented youth from building community relationships and connections with peers outside of their system involvement.

Resolving charges in multiple jurisdictions was described as a “complex and drawn-out process”. The challenge was coordinating a combined disposition according to Crowns who assist in moving charges into the jurisdiction of Belleville. These cases were extremely complex. Having charges in more than one jurisdiction present burdensome challenges. Most acutely, it precluded the possibility of a global bail<sup>1</sup>, as the informations were not before the same court. There were also barriers with waiving in charging<sup>2</sup> for resolution. Most Crowns required signed agreements of a guilty plea on all counts to move the charges to one jurisdiction. The process to traverse charges from out-of-jurisdiction before the Belleville court took up to seven months in some instances.

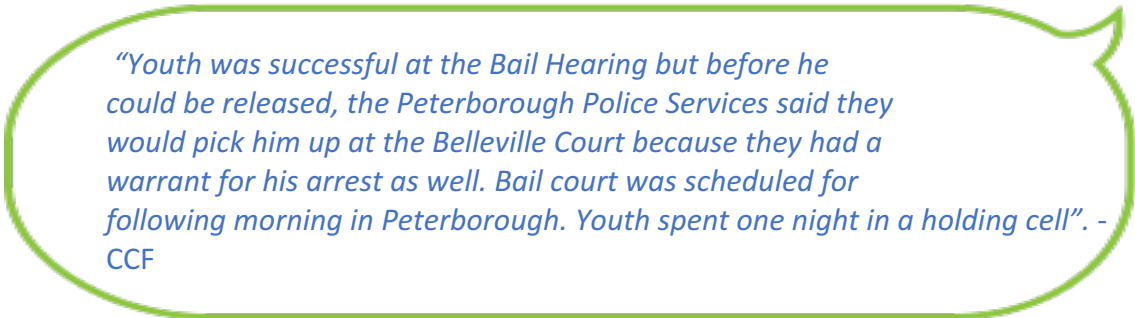
*“Youth who have multiple charges in multiple jurisdictions and are awaiting resolution and exposed to placement instability/transience made it difficult to keep track of court dates and coordinating with multiple Crown’s and defence counsel, in order to determine the best way to resolve or traverse these multiple court matters”. – CCF*

*“Court is still waiting for Halton/Milton court to send paperwork traversing the charges to Belleville. Youth’s defence counsel delayed sending paperwork for the undertaking, as to traverse charges to Bellville”. - CCF*

<sup>1</sup> A global bail would allow the youth to get release on all their charges even if some of those charges were in different jurisdictions.

<sup>2</sup> Charges must be heard in the jurisdiction they occurred in, partially for logistical reasons that requirement can be waived by the Crown if the accused is in agreement.





*“Youth was successful at the Bail Hearing but before he could be released, the Peterborough Police Services said they would pick him up at the Belleville Court because they had a warrant for his arrest as well. Bail court was scheduled for following morning in Peterborough. Youth spent one night in a holding cell”. - CCF*

Furthermore, the Project observed that, more often than not, a strong risk-management lens pervaded the bail process. As a matter of policy, CW will not sign on as a surety for any youth under their care. Typically, a young person was told that their only option to be released was a group care setting in Belleville, which is what brought them into the jurisdiction far outside of their home community. The option was almost always binary: take responsibility and take the placement in the only group care bed available, or stay in custody. While following the cases, the Project noticed that many of the youth would be re-arrested shortly after for violating those conditions. It was usually foreseeable which conditions would be most problematic before the youth was released. The disruption caused by bail conditions was an almost universal experience, and was rarely considered in great detail when the conditions were agreed to. The Project found an administrative breach is a sign of the system’s failing to provide the youth the proper supports, and youth should not be punished for the system’s shortcomings. Multiple breach charges are not likely to have a positive impact on the behaviour of young people and greatly increased the risk that a youth would be propelled into the adult system.

### **Pre-Trial Detention**

The complexity in the lives of these cross-over youth caused by multiple jurisdictions often led to instances in which young people were detained in pre-trial detention for reasons outside the scope of the *Youth Criminal Justice Act (YCJA)*. The Project found that, in five of seven cases (71%), youth were detained as a social measure. Reasons included no CW worker present in court, no placement availability, and defence counsel being unavailable to attend court.

### Count of Reasons for Pre-Trial Detention n=7

Belleville Site

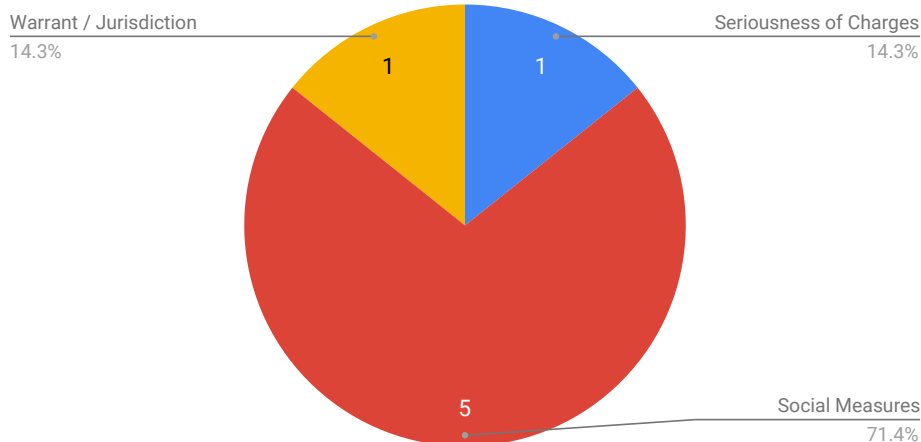


Figure 15. Pre-Trial Detention and Reasons

Youth remained in pre-trial detention due to exhausted placements:

*“Youth identifies as Black. It was reported that youth at bail court had no CW worker present and a staff person from the group care setting was refusing to have youth return to the home. Youth spent 28 days in pre-trial detention”. – CCF*

*“Youth identifies as White. CW initially refused to intervene on behalf of a youth who had no family willing to act as his surety, stating that detention at Brookside was the only appropriate place for him, despite being informed that the YCJA does not permit detention to be used as a social measure. The home stated that the staff did not have resources in place to care for youth in the home. Further, youth was not released from detention for several days due to a communication breakdown between the group care setting and the youth’s home CW agency. As a result, youth spent 70 days in pre-trial detention”. – CCF*

Youth remained in pre-trial detention due to a lack of a “reliable” residential surety:

*“Youth identifies as Black. Youth held in detention as he had difficulty securing a residential surety. Youth spent 90 days in pre-trial detention.” – CCF*

*“Youth identifies as White. The court could not consent to his release unless an adult/guardian comes forward. As a result, youth spent five days in pre-trial detention” . - CCF*

Youth remained in pre-trial detention, while the CW worker explored placement options closer to their home jurisdiction:

*“Youth identifies as White. CW worker determined that the plan of care is to place the youth in a new group care setting, in or close to Peterborough, which is not yet available, so the youth continues to remain in detention due to a social measure which is not following the YCJA. As a result, youth spent 11 days in pre-trial detention.”- CCF.*

Youth remained in pre-trial detention due to inconsistent CW workers and administrative backlog, in receiving disclosure:

*“Youth identifies as Indigenous. There was a lack of continuity of care, youth had three different CW workers during his involvement with the Project. The CW worker delayed necessary referral to grant guardian as a residential surety. Youth was charged while in detention. This was later withdrawn. Youth spent 250 days in pre-trial detention”- CCF*

Youth in custody will be more amenable to speeding up the process, just to get it over with and get released into the community. One youth told their defence counsel to plead guilty for a charge they did not commit, in order to “just get it over with”. While in pre-trial detention, it was reported that their mental health worsened. In one case, a youth remained in custody and engaged in suicidal ideation. They were kept under watch; however, they incurred a charge while in detention waiting for CW to secure a placement. This young person had a known diagnosis of FASD. Youth in detention with cognitive delays or mental health issues need enhanced support. While the Project, Belleville site serviced youth who mainly identify as White, it is worth noting that, of the seven youth who spent time in pre-trial detention, two identify as Black and one youth identifies as Indigenous. The average time spent in pre-trial detention was significantly higher for youth who identify as Black (59 days on average) and Indigenous (125 days on average), in comparison to White (7.4 days on average). Since the objective of the Project is to identify systemic issues related to trajectories from care to the justice system, it is crucial to identify and address the needs of our youth before their lives become even more complex as they enter the adult system. A limitation with the Belleville site,

as it relates to understanding the experience of young people and their YJ experience, was the limited court information. The Project, Toronto site offers a substantive overview and insight of this experience for the reader's interest. However, the information that arose from the Belleville site continues the ongoing discussion.

### Push or Pull Factors: Criminalizing A Young Person's Desire to Belong

The Project, Belleville site provided programming to full-service youth who ran from care, commonly called going AWOL. The literature recognizes exposure to high-risk situations to youth while AWOL, and the need for communication with young people as they adjust to their new placements, as a means to effectively respond (Vera Institute of Justice, 2004). The Project observed youth who were AWOL experienced homelessness and frequent contact with police officials.

*"When youth was AWOL from CW care she lived on the streets and had frequent contact with the police. Belleville is not her home jurisdiction"- CCF*

Notably, these young people had the most intrusive CW status and deepest penetration into the CW (Crown wards), and experienced multiple placement moves, often within a short period of time. Vera Institute of Justice (2004) asserts that youth who are chronically going AWOL run from care as an effort to seek relief; this motivation derives from problems that have "pushed" them to run and, on the oppositional influence that have "pulled" them, such as family and friend-centred factors. While each reason is unique to every youth, CCF case notes revealed that these youth were "pushed out" due to the environmental factors of their out-of-home placement (i.e. strict regime), while CCF case notes revealed that youth were "pulled out", in order to be closer to their home community and guardians.

*"CW Worker reports that youth has run away many times while in care. She estimated that he has been AWOL at least 1.5 years in the past 3 years that he has been in care. He has had a total of 6 placements. Belleville is his home jurisdiction, however, ran from a group care placement in a different city." – CCF*

The homes were often far from young people's home communities and resulted in inconsistent and infrequent visits from young people's CW worker, again resulting in these youth either running from group care settings or 'acting out' in the care setting. Kerr and Finlay (2000) cite Finkelstein, Walmsley, Currie and Miranda (2004) when identifying reasons for running away, such as inappropriate placements, improper treatment, and having meagre opportunities for independence programming. The Project witnessed that, when youth serviced by the Belleville site would run away, it was shortly after a placement move and for long periods of time, and these youth were over the age of 13.

*“Within a two-month period of youth being placed at the group care, the police were contacted several times to attend the home and/or to locate youth as a missing person. By the end of the Summer, youth had a total of 25 charges at the group care home, most of them administrative charges. Belleville is not his home jurisdiction and family resides hours away”. – CCF*

This was often due to the geographical isolation characterizing many of Ontario’s group care programs; such settings are often socially isolated.

### **Diversion: Success and Outcomes**

In a review of the 20 full-service cases, the Belleville site found that the majority of youths’ (N=11, 55%) criminal matters were resolved through diversion. For six (30%) youth, their matters were resolved through probation orders, predominantly due to the type of charge and concern further rehabilitation was required. Of the remaining three young people (15%), the Project completed before learning the resolution of the charge.

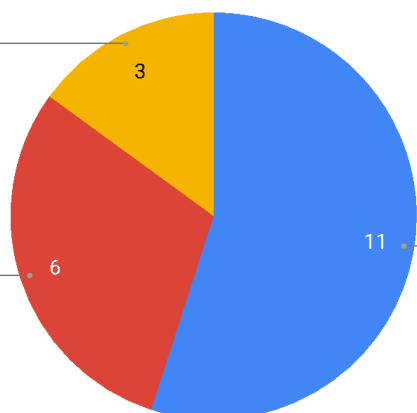
#### Diversion Attained Through Project Involvement?

Belleville Site

Unspecified  
15.0%

No  
30.0%

Yes  
55.0%



*Figure 16. Diversion and Project Involvement*

Due to the scope of the pilot project diversion, outcomes could not be analyzed, which was a limitation of the Project. Noticeably, however, through accessing diversion programs, such as extrajudicial sanctions, youth were provided opportunities to connect to their community and foster positive peer connections, whereas probation orders often had attached to them programs and counselling to assist youth’s skills towards emotional regulation (i.e. Stop Now and Plan). In Belleville, success was seen in the pre-charge diversion program, a program that was further developed last year between COSP and PEC OPP through their involvement in the Belleville Steering Committee.



*“Group care staff continue to charge youth for behaviors in the group care setting. Local police services advocated for a pre-charge EJM process rather than charging the youth”. – CCF*

The role of Crowns was very important in the evolution of how cross-over cases were approached. The smaller size of the community allowed for a more collaborative, less adversarial progression. Senior Crowns were deft at negotiating transfers with more flexible conditions. The most important aspect of Crown cooperation has been openness and collaboration with the diversion programs, and crafting meaningful, proactive dispositions. In Belleville, the first appearance after a bail hearing is always before a judge, rather than a justice of the peace. Crowns are less likely feel they can stray outside the requirements of the YCJA with a judge, as they are usually better versed. Additionally, bail matters can be moved before a judge if necessary, which increases the likelihood that the youth will be released for the same reason. When police used their discretion not to charge the youth, or the court advocated extrajudicial sanctions, such as diversion, the youth had greater success, because it spared them re-traumatization. Often, their diversion would be used as a medium to connect them with the community and evolve their sense of belonging in the community. A sense of belonging is key to a young person’s positive sense of self and space, which positively impacts their development towards adulthood and independence.

### **Case Study:**

Void of identifiable information and altered to ensure confidentiality.

*Dan is a 16-year-old male who suffers from FASD. As a result of his diagnosis, he presents with significant developmental delays related to cognition, memory, language, communication, executive and adaptive function, and affect regulation. He has been in care from a young age due to safety concerns in the home. His family is adamant that he can never live with them. They won’t even visit him without direct supervision from CW. Dan’s young life has been plagued by instability. He left the family home in kindergarten and was made a Crown ward shortly after. He has been bouncing around from placement to placement. Dan received his first charge in a group care setting, which was resolved through diversion. His community service connected him to a community worker with whom he developed a close trusting relationship. Dan reported that it was the first time he felt “safe” and “belonged”. However, Dan was not provided the therapeutic supports that the home promised. At age 12, the local police from the jurisdiction where his group care placement was located explicitly told the operators that Dan could not stay in their community and drove him out of the town. After that banishment, Dan lived in five placements in five years.*

*His most recent group care placement started out promisingly but quickly devolved. When Dan arrived, he was already on bail for charges in the jurisdictions he had previously lived in. Less than a month into his placement, the group care staff called the police on him for uttering a threat. He was also charged with four breaches. Over the next two months, he accumulated four minor, substantive charges and a further 16 breaches.*

*When Dan first entered detention, the group care setting refused to be part of a release plan because they did not believe they had the staffing resources in place to take care of Dan. Planning was further sabotaged by the group care setting deliberately misrepresenting whether they would be part of the release plan to Dan's home CW agency. As a result, Dan spent seven days in closed custody.*

*Through the first two months of charges and releases, the Group Care and his CW worker provided no assistance to Dan in obtaining a lawyer to represent him on his charges. It was not until Dan was arrested and detained for a fourth time and brought in front of a judge, rather than a justice of the peace, that the judge requested a local Defence counsel with an extensive youth practice take on the case. His lawyer was successful in transferring his charges, but it took three months.*

*The CW agency approached 65 potential placements options, and not a single one was interested in Dan being placed with them. Dan remained in custody for the duration of the search. Most of those days in detention were due to CW's inability to find placement options. In Dan's case, it was plainly obvious that detention was being used as a substitute for appropriate child protection and other social measures. In the end, it cost Dan's home CW agency \$500,000 per year to create an unlicensed placement for Dan. The Ministry of Children, Community and Social Services refused to contribute any funds towards the placement, as it was not licenced.*

*Dan was sentenced to probation. Following the advocacy efforts of the CCF and key stakeholders, an s.19 conference was called, which resulted in a formulated release plan whereby CW placed youth in a specialized treatment program to meet his individualized needs.*

### *Case Study Analysis*

Dan's case highlights troubling themes that are all too consistent for cross-over youth, especially youth who reside in group care settings. Group care operators are enticed by the high daily rate paid by CAS for youth with "complex" needs. Yet as for-profit operators, these companies are motivated to keep expenses down to maximize their profit from the placement revenue. In this case, the operator obfuscated and made fraudulent representations in order to keep the money following. The impact on the youth in this case was straightforward, as they spent longer in custody than they should have. However, this is a pattern that emerges in these types of cases, even when the operators' actions are not so blatant. Typically, these homes are understaffed, and the staff they do have are under-trained and under-paid. The model relies on offloading costs onto the community and other agencies and departments at every opportunity. The most glaring example of this is with the reliance of group care operators on the justice system for discipline and behaviour management. The group care setting chooses to house this youth, knowing the difficulty his diagnosis of FASD presents for self-regulation. They were likely motivated by the substantial per diem. Less than 30 days into his placement, the staff escalate the situation to law enforcement (at a minimum of \$1,000 a call) because the youth had used 'threatening' language. Rather than expend the resources to train staff to

properly and safely de-escalate the situation, or create an environment that minimizes the conditions for escalation, they offload those costs for free onto the criminal justice system.

The cost to the system is further taxed by the limited time resources of the police. Once the police are engaged, the simplest response is for the police to lay a charge, especially if they can lay a breach charge and detention is 'required' (officers could use their discretion not to charge in breach cases but almost universally believed it was disrespectful to the judicial officers not to). Suddenly, it becomes bookings' problem and, best of all, the discretionary decisions are largely left up to the court. Once the youth is detained, CW can rely on the custodial system to house their youth while they 'look' for another placement. Having a youth reside in custody reduces costs and caseloads for the CW agency for the duration of the custodial period. In the end, the strategy backfired, and CW agency ended up having to pay out of its own agency's funds (the most expensive residential private school in the world costs a fifth of the price they ended up paying to house the youth per year). Due to advocacy efforts, the youth was placed in a setting to meet his individual needs.

This case highlights while there is success seen in diverting youth. Group care operators who "parent" the youth they house are obligated to ensure that their needs are met. In Dan's case, his first charge was resolved through diversion. Yet the group care operators did not follow through with the individualized supports and services they promised. Instead, these "therapeutic" settings contributed to youth's mental health worsening as their needs continued to be mismanaged. No one in the system is particularly concerned about how this impacts the youth until they are before the court, and in this case, not until the matters languished for months. Each step of the way, the youth's trauma is deepening and exacerbating the underlying issues. This youth was rejected by their caregivers and guardians, just like they were jettisoned by their family. The conduct in this case was scandalous, but the real scandal is how routine many elements of it are.

## Discussion

The matters the Project followed were mostly serious and complex; that made it more likely than average that the youth would spend an extended time in pre-trial custody or procure new charges while awaiting resolution from previous charges. Sprott and Myers (2011) conducted a study in Toronto, and found that youth who were before the court for an administrative charge at the bail hearing stage were more likely to have subsequent administrative charges following their first appearance. This was found to be due to trivial conditions attached to their bail or release orders. For cross-over youth, trivial conditions are counterproductive and inherently ingrain a distrust of both systems and stakeholders. This trend reflects the findings of Sprott and Myers (2011), as the longer a case took to reach resolution, or the more bail conditions imposed upon a young person, the more likely they were to return to the court for failing to comply with those conditions. That reality meant that the system was constructed in a manner that made planning and rehabilitation more difficult, and increased the risk the youth's trauma would deepen. The system's answer to risk is to try to control it. When youth have multiple charges or violent charges, the seemingly 'safe' thing to do is to leave them in custody until

some time has passed with the hopes that things will calm down and the risk will go down. However, custody is really a pressure cooker for the youth with histories of trauma. The more time they spend in custody, the more likely their behavior would escalate, and they would be charged with further offenses. These youth remain hyper vigilant, ready to protect themselves, and disillusioned with the system.

Cross-over youth need safety, a sense of control over their environment, and support to heal, and pre-trial custody is an obstacle to these goals. Cross-over youth are more likely to spend time in pre-trial custody. However, a more appropriate alternative is diversion programs, rather than formally charging a youth. Schlesinger (2018) describes diversion as “playing a unique role in decreasing inequality in the juvenile justice system” (p.60). If policies reflect evidence-based practices, diversion programs can help address racial inequalities and other systemic issues within the justice system (Schlesinger, 2018). A study by Wilson and Hoge (2013) found that the average recidivism rates for youth who were diverted were significantly lower than youth who were “formally” charged. The Project found this approach more beneficial. Yet there remain structural factors that resulted in youth from the CW system being discriminated against in the bail process. Discrimination at this stage was compounded for the racialized youth. Bail and charges within and between multiple jurisdictions were an area that required substantial resources to navigate, and even with those resources in place, there were many barriers that could not be overcome. This was especially evident when youth were AWOL from their group care setting. “Going AWOL” was a theme amongst the young people served through the Project, which almost always resulted in police intervention. For young people with prior charges, running away contributed to further administrative breaches (i.e. failure to comply with group care rules). However, what is less understood by group-care staff and providers, CW workers and criminal justice stakeholders, is that more often than not, young people are not running away, but instead they are running to something. More often than not, they are running to a place where they feel the most belonging. For example, they may be running to their home community or to visit friends and family. Young people in group care settings have limited access to the internet; friends are rarely allowed to visit; and unstructured activities within the community more often than not are “scarce” (Gharabaghi, 2019). Yet young people in group-care settings are too often criminalized for meeting their need for a sense of belonging and safety (Finlay & Kerr, 2006). For cross-over youth, this disbelief held by stakeholders creates more frustration to the rules of the system; they simply desire to belong. Through the Project’s observations, there were many lessons learned and inferences to be drawn that speak to bail and out-of-jurisdiction charges being a larger issue than could be detected through the empirical data. Thematic analysis of case files and narratives offered a richer understanding of the lived experiences of the cross-over youth.

### Summary

In a review of the 20 full-service cases, the Belleville site found the majority of youth (55%) criminal matters were resolved through the diversion. For six (30%) young people, their matters were resolved through probation orders, which were predominantly due to the type of charge and concern further rehabilitation was required. The Project completed before learning the

resolution of the charge of the remaining three young people (15%). When police used their discretion to not charge the youth, or the court advocated extrajudicial sanctions, such as diversion, the youth had greater success. Often, their diversion would be used as a medium to connect them with the community and evolve their sense of belonging in the community. The cases in Belleville were complex and logistically challenging given the propensity of the group care operators in the jurisdiction to seek out youth that have cycled through other placements and have limited options for the deliberate purpose of seeking out the high per diem rate. Given their trajectory, this youth often comes with outstanding charges in multiple, far-flung jurisdictions. Breaches are almost inevitable. Conferencing, resolution, bail variations, and other outcomes are particularly difficult to coordinate because of the enormous number of stakeholders involved and the procedural barriers to bringing all the matters together. There was little consistency, even among their lawyers, as they cases were too geographically spread out to be handled by one practice.

Youth from the CW system, and the complexity of the systems that serve them, quickly become ensnared in the rigid requirements of bail. Many of the youth that the Project engaged with faced the limitations of the CW sector and immutable court prerequisites and the consequences of not having 'suited' parents. Every time the group care operators offloaded behaviour management (especially for otherwise non-criminal activity) onto the justice system, the YJ system's creaking wheels would slowly click into gear. Throughout the process, the wheels of justice would slowly roll over the youth and flatten any healing progress. Being charged and detained all contributed to the self-reinforcing cycle of doubt, trauma, and self-hatred that the youth was already experiencing. It was viewed as a positive for the youth to return to court every month so that responsible stakeholders could check up on the welfare of the youth in these homes (which is a depressing concept). However, after listening to the youth who expressed how the process actually stigmatizes them, there was a better understanding of how the shame experienced by these vulnerable youth makes it more likely that they will be absorbed deeper into the justice system and onto their way into the adult system.



## THEME FOUR: YOUTH-CENTRING

### Overview

To break the cycle for youth in the CW system, multiple service providers must work collaboratively to ensure the centring of their youth voices. The *United Nations' Convention on the Rights of the Child* states that young people have the right to be meaningfully involved in the decisions that impact their lives, and dually-involved young people are certainly not excluded from this. However, the Project found that youth-centring and meaningful youth participation was observed only in rare cases, and those cases were largely dependent on a single empathic stakeholder who valued this approach. JHS Youth Peer Mentors drove youth engagement by advising service providers and collaborating through case-conferences and steering committee meetings. They were also instrumental in ensuring the well-being of young people and meeting them where they are at. Youth-centring encompasses 'meeting young people where they are at'. Freeman, Gharabaghi, & Fulcher (2018) reference Kruegar (2000), who suggests that, beyond the literal meaning, "it means accepting people for how they are and who they are as we encounter them in their lives" (p.34). This requires that stakeholders, service providers, and adult allies recognize and have empathy for the unique and often traumatizing circumstances that have led to spaces and places where they are (Garfat, Freeman, Gharabaghi, & Fulcher, 2018). Meeting cross-over youth "where they are at" requires an empathetic understanding of their unique circumstances. The Belleville site experienced successful outcomes when youth were paired with a JHS Youth Peer Mentor, specifically as it related to completing their diversion programs, connecting to informal supports/activities and their self-defined goals, such as independence or skill acquisition. Uniformly, young people expressed that it made a positive difference in their life at that moment.

### Peer Mentorship

JHS Youth Peer Mentors were constituted to address the gaps in service that arose due to oppressive institutional cultures. The JHS Youth Peer Mentors utilized creative mediums to bring in youth participation and share lived experiences of the reality of many cross-over youth. One approach was called '*Lego Serious Play*'. The videos can be found at the following link: <https://www.dropbox.com/sh/8nj71gnl5zxobwy/AAB3v4hD78VsR0rt8BIP5J6ta?dl=0>

All full-service youth who had the opportunity to connect with a JHS Youth Peer Mentor expressed that it was a positive experience. As the casework exhibited, youth felt a sense of compassion and less isolated.

*"The JHS Youth Peer Mentor developed a relationship with the youth, hearing and responding to their interests and goals. This youth was able to relate more to the JHS Youth-Peer Mentor compared to other adult social service professionals."- CCF*

*"The JHS Youth-Peer Mentor had previous lived experience as a former youth in care, who also had involvement with the youth justice system, this enhanced the degree of trust between youth and the JHS Youth-Peer Mentor". – CCF*

### Advocacy

Through the Youth Advisory Group and their advocacy efforts, such as 'When there's youth, there is a way', they practiced commitment and dedication to the young person's rehabilitative needs and well-being outcomes.

*"I wasn't the only one who had problems with this family, the law, and doing stupid things". -A Cross-Over Youth*

*"I felt like an equal; there was no looking down, no expectations, it was comfortable, like meeting a new friend. Instead of having to feel pressured to do community service for court, it was like hanging out with a friend." - A Cross-Over Youth*

The JHS Youth Peer Mentors challenged stakeholders who silenced cross-over youth voices. A recurring issue was the method for the continuity of treatment plan and services as youth transition from the CW system.

*"Youth homelessness is one of the big biggest barriers for cross-over youth achieving independence. There is a huge gap in the amount of affordable, appropriate transition housing options for youth who do not wish to be in CW care, but would benefit from supportive housing."- CCF*

Case conferences became the medium to redress these root issues. The CCF would advocate with the young person and their family to have a more suitable living arrangement, and the most noted issues were lengthy distances between youth and their families and the lack of access to treatment-based out-of-home placements.

### Voice

Youth who engaged with a JHS Youth Peer Mentor led to better outcomes for the resolution of YCJA matters. The foundation was the youth-centring approach that was mastered by mentors

in Belleville. Mentors targeted feelings of isolation and powerlessness through the use of relationships that offer support and advocacy:

*“JHS Youth-Peer Mentor developed a positive, trusting relationship with youth, inspiring her to complete 36 community hours even though the court only required 15 hours. The JHS Youth Peer Mentor connected youth to activities that youth had an interest in”- CCF*

*“COSP (diversion program) worker said if they had referred youth to another community service, he believed it would not have been as impactful; connecting with another human being, who had gone through what he (the youth) has gone through made a massive difference for him.”- CCF*

*“Prior to JHS Youth- Peer Mentor involvement, youth did not follow up on the diversion program requirements and there were multiple court adjournments as a result.”- CCF*

*“Youth felt powerless by CW “to do for her, without her”  
- JHS Youth Peer Mentor*

*“With the support of the JHS Youth Peer-Mentor, youth had meaningful engagement in processes and decisions about her life.”- CCF*

Youth-centring involves the assurance that young people are represented, respected, listened to, and most importantly, that their recommendations are put into action (Ma, Office of Child and Family Service Advocacy, & Voices for Children, 2004). This process begins with ensuring that young people are informed about opportunities for engagement at all levels, including the community, agency, and government policy domains.

Cross-over youth experience a greater need for such supports, as they are faced with the hardship of navigating two systems simultaneously (Scully & Finlay, 2015). The JHS Youth Peer Mentors are former cross-over youth themselves, who had the experience of navigating through both the CW and YJ systems. The youth peer mentors are “someone who would be a

consistent support person, who would stand by the youth, develop a respectful and trusting relationship with the youth, navigate through the system with the youth and negotiate with all stakeholders, the unique and complex needs of the youth” (Scully & Finlay, 2015, p.50). This collaborative approach helped youth feel as if they had agency to achieve their self-defined goals.

*“Youth developed confidence, with the support of the JHS Youth-Peer Mentor youth was able to secure independence and now work towards getting back into school, in order to complete her high school diploma”. – CCF*

This resulted in feelings of positive participation, agency, and the ability to achieve goals. Youth are experts in their own experience, and supporting the youth’s voice in a safe and positive manner enhances outcomes. The Project, Belleville site recognizes that formal supports and supervision should be offered to JHS Youth-Peer Mentors who utilize this model of mentorship, as involvement may be re-traumatizing and triggering. The JHS peer-mentoring model was the most positive mechanism to help centre youth voice. The Youth Advisory Group compiled a document entitled ‘Best Practice Model to be Incorporated into Youth-Peer Mentor Models’ (see Appendix 4).

### Youth Partnership

Ensuring the meaningful participation of young people entails a fundamental shift in the ideologies of stakeholders and service providers. To value the meaningful participation of young people encompasses the development of new attitudes, and requires that ideas and beliefs that young people are in need of ‘being fixed’ be reframed to see young people as valuable resources and equal contributors and decision-makers

*“Youth appeared to be more interested and engaged when talking to the JHS Youth Peer Mentor. The objective was to build off this connection between youth and the mentor. The mentor became the bridge into the Belleville community”. -CCF*

The Project’s Youth Advisory Committee provided honorariums to young people who share their knowledge, expertise, and experiences within and between systems in order to recognize their rich contributions. Equally significant is the need to ensure that all young people are being centred, rather than only allowing for young people who are already successfully navigating the system to be heard (Dupuis & Mann-Feder, 2013).

*“Youth seemed frustrated with the process around transition and communication”- CCF*

## Meeting Cross-Over Youth Where They Are At

Being entrenched in multiple systems is exhausting for young people, and often entails adult responsibilities that extend beyond their capacities. Developmental responsibilities for non-CW system-involved young people are to attend school, participate in extracurricular activities, and perhaps maintain a part-time job. On the other hand, cross-over youth are expected to maintain strict bail conditions, attend multiple weekly meetings and counselling appointments, follow rigid rules of residential settings and bail conditions, and much more. These additional responsibilities, coupled with fighting to have their basic needs met, and in many cases having to manage mental health diagnoses and avoid breaching bail conditions, highlight reasons for stakeholders to be accommodating and flexible in meeting cross-over youth where they are at. Further to figuratively meeting young people where they are at is its literal meaning. During the course of the Project, the CCF frequently met young people in the places where they live their daily lives. Case-notes reflected formal and informal meetings with cross-over youth in schools, custodial settings, group care settings, and coffee shops. There were many times when maintaining connections with young people was difficult, especially with young people who were constantly moving, or with young people who did not have regular access to phones or computers. In this regard, texting was a frequent modality of communication and often extended well beyond the 9-5 work of most stakeholders. JHS Youth Peer Mentors would often communicate with youth on social media. Without having a commitment for meeting young people where they were at, many more cross-over young people would have 'fallen through the cracks.'

## Awareness Raising

Building on the discussion of youth-centring, and to better enable service and stakeholders to understand the unique experiences of cross-over young people, the JHS Youth Peer Mentors from the Belleville pilot site have created a Zine. Drawing on the lived experience of young people, the Zine, which can be found in the Cross-over Youth: Navigating Quicksand Report, captures the evolution of Belleville's COY Peer-Mentorship Model, discusses what 'real youth engagement' looks like, and offers suggestions to adult allies regarding the do's and don'ts of supporting cross-over youth.

## Case Study

Over the course of the Project, the CCF and JHS Youth Peer Mentors frequently observed the ramifications of service providers' failure to meaningfully centre, listen to, and act upon the voices of young people. Void of identifiable information, the following case-study portrays what a lack of youth-centring looks like in the life of a cross-over young person, and how JHS Youth Peer Mentors practiced the principles of youth-centring.

*Minoh is a 16-year old male; he identifies as Black and is a Crown ward. Minoh is originally from Windsor and remains supported by Windsor-Essex Children's Aid Society. Minoh has experienced great instability and complex trauma. He was referred to the Project by a judge following an*



*incident in a group care setting, which resulted in a charge by staff. Prior to the JHS Youth Peer Mentor engagement, Minoh faced barriers to completing his EJS community hours. Minoh and the peer mentor had developed a positive and trusting relationship. The mentor engaged him in the process and actively sought input, which led to an enhanced sense of self, and a bolstering of his self-confidence, all while connecting him to the community. It was evident that Minoh had no informal community connections or relationships outside of the institutional setting composed of paid staff. For Minoh, the mentor became his connection and he felt less isolated as a result.*

*He completed his court-ordered diversion, and charges were withdrawn. The diversion worker advocated that Minoh would have not been successful and the program would not have been as impactful if it weren't for the peer mentor. The mentor and the CCF would often visit Minoh at his group care setting. During visits, the home did not see the value or understand the program, and remained disengaged from the process, particularly at the outset of his justice involvement. Minoh was without legal representation for a month, even though he was granted a legal aid certificate.*

*Minoh expressed his desire for returning to school and joining the basketball team, a sport Minoh did not realize he had any interest in prior to playing with the mentor. A case conference was called to create a transition plan into the local high school. CW worker was very reluctant to the idea. Minoh developed a sense of confidence in his skills and wanted to continue to see what other clubs and activities he could join. Minoh felt like he had some power and ability to achieve his goals.*

### **Case Study Analysis**

Minoh was a successful example of how cross-sectoral collaboration created better outcomes for cross-over youth. While Minoh was exposed to institutional layers of oppression, the JHS collaborated and advocated with him to achieve his self-defined goals and complete his EJS. Minoh's connecting with another person with shared lived experience made a noticeable difference. The CCF and mentor observed instances in which staff members at the group care and CW worker would practice from a deficit approach. Specifically, they would always appreciate Minoh within the context of a 'risk'. When Minoh was interested to return to a local school, rather than complete booklets in the group care setting, staff felt it would be "easier" to keep the current education program. However, Minoh explicitly stated his goals in relation to education. Thus, the CCF and JHS Youth Peer Mentor facilitated a case conference to create a plan with the youth. The CCF and mentor would constantly advocate his strengths, such as his dedication, intellect, humour, and compassion. Case conferences were successful in ensuring that all stakeholders came together and were held accountable for agreed-upon tasks.

### **Discussion**

Cross-over youth are young people with unique experiences and challenges, and not one of their stories will be exactly the same. For this reason, a one-size-fits-all approach is not helpful

when interacting with or intervening in the lives of cross-over youth. For example, “group interventions in which every [young person] receives the same consequences for similar behaviours make little sense” (Garfat & Fulcher, 2011, p.17). To be concerned with centring the voices of cross-over youth entails individuality and flexibility on the part of stakeholders and service providers. Be it CW workers, defence lawyers, judges or group-care providers, in order to see young people as individuals and develop plans and interventions that respond to their unique needs, a commitment has to be made to connect with the young person on a personal level. When partnering with young people at the macro level, it becomes the responsibility of the professionals to ensure that youth are not being used, but rather provided fair compensation and support for their consultation (Crowe, 2007). Curiosity and empathetic listening can serve as a starting point to learning more about the cross-over young person who is standing in front of you.

Centring the voices of cross-over youth seeks to address the culture of youth oppression that exists within system; however, as Gharabaghi (2019) explains, for young people, having a voice is not synonymous with having an impact. Valuing youth voice must extend beyond giving young people a space to share their thoughts, for example when awarding them time to speak during a case conference. A youth-centred approach asks service providers across programs and sectors to be open to hearing the voice of young people, but more so to be prepared to act on what they have heard. It is one thing for service providers to say that they care about the voices of young people, but taking action on what they have heard does not always translate into practice. Participation aids in the development of advocacy skills in young people, leads to fully informed decision-making, protects young people through the establishment of mechanisms that challenge violence, ensures a peaceful and civil society, and increases accountability and transparency of governments (UNICEF, 2014).

“It can be said that the identity of a developing young person is founded upon participation: how integrated they are within mainstream society; how included or excluded they are from aspects of society that concern them; how able they feel to exert power about issues that matter to them” (Race & O’Keefe, 2017,p.45).

The notion of child and youth participation extends beyond individual societies and was developed as a fundamental right for all young people by the *United Nations Convention on the Rights of the Child* (UNCRC; UNICEF, 2014). Article 12 of the UNCRC declares “the right of every child to freely express her or his views, in all matters affecting her or him, and the subsequent right for those views to be given due weight, according to the child’s age and maturity”, in which:

The concept of participation emphasizes that including children should not only be a momentary act, but the starting point for an intense exchange between children and adults on the development of policies, programmes and measures in all relevant contexts of children’s lives (UNCRC, 2009, p.7).

Hart's (1992) ladder of youth participation is commonly used by service providers as a tool for reflecting on what meaningful youth participation looks like within their own practices. Beginning with tokenism as the lowest level of youth participation, the highest level of meaningful youth participation is described as "youth initiated and shared decision making with adults". Critical to reaching meaningful youth participation, as defined in Hart's (1992) ladder, is youth/adult partnerships. Being meaningfully involved with service providers and stakeholders as full-participants in processes of decision-making, "[empowers] young people, while simultaneously enabling them to access and learn from the life experience and expertise of adults" (Registered Nurses' Association of Ontario, 2016, n.p).

A youth-centred approach contends that young people are the experts of their own realities, and are fully capable of informing others about what their needs are. When cross-over youth are meaningfully involved in the decisions that impact their lives, individually and systemically, their sense of agency is increased (Bala, De Filippis, & Hunter (2013), and this is in and of itself a positive outcome. However, too often cross-over youth are not valued as collaborative decision-makers, even when these decisions are substantially impacting their lives. Ensuring that young people are included as equal partners in placement decisions is a practical example of being youth-centred with cross-over youth, and holds many benefits. As Dupuis, Mann-Feder (2013) explain, "this, in turn, will lead to a higher likelihood that they will follow the rules they helped to establish, and will further contribute to their experience of being respected and empowered" (p.378). However, most frequently observed by the Project was a young person's lack of voice in placement options, which held significant consequences for many.

Often youth initiatives are not taken seriously. We join committees, or work for agencies and then are relegated to positions of little or no authority; this allows the adults in power to ignore our voice and view our opinions as irrelevant, invalid, or unimportant. (Ma, Office of Child and Family Service Advocacy, & Voices for Children, 2004, p.16)

This is especially relevant in the context of CW and YJ, as the inclusion of youth voice and partnership increases the likelihood for program involvement and reduces the risk of resistance (Crowe, 2007). When young people in CW are given back control of their lives, they gain a sense of empowerment, which ultimately impacts their mental health, school performance, justice involvement, substance use, and levels of self-awareness and positive socialization (Dupuis & Mann-Feder, 2013). In order to bring about positive change for young people, it is vital for youth to be centred at both the micro and macro levels (Crowe, 2007). This refers to inclusion of youth voice at the case, service design, and systemic levels, whereby young people inform best practices for programming, service delivery, as well as policy reforms (Crowe, 2007; Dupuis & Mann-Feder, 2013). Through the medium of case-conferences (formal and informal), JHS Youth Peer Mentors ensured that the young person was an active participant. It is critical that a commitment to partnering with young people is established for youth voice to truly be amplified, as a lack of implementation of their recommendations leads to the tokenism of young people (Dupuis & Mann-Feder, 2013). Young people need loving, unconditional, and supportive relationships with adults in their lives to help guide them through difficult times and to support them in "developing the resilience required to deal with life's adversities" (Office of

the Provincial Health Officer, 2009, pg. 12). However, unlike most non-CW-involved young people, who have parents and caregivers supporting them, cross-over youth are often without a consistent and caring adult in their lives. In the case of Minoh, it was clear that he did not have a stable adult in his life, which had significant consequences for achieving his goals of independence. As stated by Bala, De Filippis, and Hunter (2013), “without a stable adult relationship, [cross-over] youth are left to navigate the legal system and independence on their own. This [sometimes] leads youth to find the ‘wrong’ type of mentor, either negative peers or adults involved in criminal or gang activities” (p.33).

When a young person has entered into the care of the CW system, the agency is expected to assume the role of the young person's ‘parent’. However, there were many instances in which JHS Youth Peer Mentors were present when CW workers were not. The JHS Youth Peer Mentors and CCF met young people in custody, drove stakeholders to meet youth out of jurisdiction, created informal connections and opportunities, and often had to advocate for the basic needs and necessities of cross-over youth. Mentors target feelings of isolation and powerlessness through the use of relationships that offer support and advocacy (Frame et al., 2006; Berrick et al., 2011; Silva et al., 2019). Young people in care have suffered from multiple relationship breakdowns and losses, making it difficult for them to create their own support networks (Snow & Mann-Feder, 2013). However, support networks have been identified as a mediator for stress-related effects, in which mentorship programs have evidenced a reduction in feelings of anxiety and depression for young people exiting foster care (Snow & Mann-Feder, 2013; Mark, 2017). Other positive outcomes for young people in care include:

“Youth will have healthier relationships and make better lifestyle choices, have a better attitude toward school, higher college enrollment rates, and higher educational aspirations. Mentoring programs also enhance youth’s self-esteem and self-confidence, improves behavior, both at home and at school, and builds stronger relationships with parents, teachers, and peers” (Mark, 2017, p.24).

Peer mentors were perceived as protective factors for young people who are deemed “at risk”, and through the formation of these positive relationships, they help to reduce a young person’s engagement in violence or other maladaptive trajectories (Nunez, 2012). The JHS Youth Peer Mentors played an integral role in the lives of cross-over youth, especially when neither the young person’s defence counsel or CW workers were present at court or meaningfully engaged with the youth’s needs and wishes.

### Summary

To break the cycle for youth in the CW system, multiple service providers must work collaboratively to ensure the centring of their youth voices. The *United Nations Convention on the Rights of the Child* states that young people have the right to be meaningfully involved in the decisions that impact their lives, and dually-involved young people are certainly not excluded from this. However, the Project found that youth-centring and meaningful youth participation was observed only in rare cases, and those cases were largely dependent on a

single empathic stakeholder who valued this approach. JHS Youth Peer Mentors drove youth engagement by advising service providers and collaborating around the table through case conferences and steering committee meetings. They were also instrumental to ensuring the well-being of young people and meeting them where they are at. This was especially true for helping young people to complete their diversion programs, connecting them to informal supports/activities, and achieving their self-defined goals, such as independence or skill acquisition. Uniformly, young people expressed that the program made a positive difference in their life at that moment. A youth-centring approach seeks to give young people power over their own lives, recognizing them as experts. This approach goes beyond simply giving young people the space to share their thoughts; practitioners and organizations must be invested in and prepared to act on the recommendations of young people. The JHS Youth Peer Mentors played an integral role in the lives of young people at the Belleville site, especially in ensuring the voices of young people were at the forefront of stakeholder agendas. However, in the absence of the Project, stakeholders should adopt mechanisms to ensure meaningful collaboration with young people. The Project recommends that all stakeholders adopt a youth-centred approach as an essential component to their training programs and practices. Further, the Project recommends the development of mentorship programs grounded in the principles of youth-centring, trauma-informed practice, and anti-oppressive principles. These programs would ensure that the voices of cross-over youth are both translated and amplified.



## SUMMARY

The intention of the Project from the outset was to provide service to the cross-over youth in Belleville who had a complex range of needs in a multi-layered, complicated system of services. The service to be provided was case coordination and conferencing, and as a “pilot”, it was created to potentially learn a range of preferred practices from the experiences of the CCF, the youth themselves, and the service providers. These preferred practices from Belleville and across the other sites would inform the components of a service model for cross-over youth.

However, as the Belleville Project site evolved, notable, unanticipated patterns began to emerge. Attention was given by the team to exploring these often-troubling circumstances, which could potentially generate poor outcomes for youth. Efforts were made to consolidate and analyze the case information beyond what was provided by the simple case management database introduced at all sites. Some relevant trends were confirmed through empirical analysis of case-related statistics, even though the sample size was small. It must be noted that the lived experience of the young people, and the intense case involvement by the CCF, generated very rich information for a deeper understanding and analysis. This gave unprecedented insight into the patterns related to service demands and limitations across YJ and children’s service sectors. Overall, the patterns arising, the lessons learned, and protocols designed to influence practice at the inaugural site informed the other three sites.

The themes were generated from the gathering of the narratives in the case files and the interpretation of the patterns that then emerged. The fusion of the themes was inevitable, because one bled into the other when considering the basis for the trajectory from CW to YJ systems.

### A Typical Journey for A Cross-Over Youth, Summarized:

The starting point for this trajectory was within the guardian home. Parents of cross-over youth either had their own adverse histories of trauma and mental health concerns, or their youth’s diagnosis went mismanaged. The youth often experienced or witnessed trauma and violence within their family home, which led to entrenched adaptive responses such as externalizing behaviours or relational difficulties. At the time of the initial involvement by CW, parents were overwhelmed and unable to manage. Early intervention, with an array of appropriate therapeutic supports and services for the parents and the youth that would wrap around the family and address the root causes of the family distress, was required as a safety net to prevent the erosion of familial relationships and the ultimate breakdown of the family. When this type of intervention was not introduced, the removal of the youth was ultimately the solution to ameliorate the parent/teen or parent/child conflict. The youth was not only taken away from their parents, siblings, and family home, but also their community, peer group, school, and other critical supports. This was devastating for the young person. When the young person was then placed in group care, usually at a considerable distance from his home, group care staff were not equipped to deal with the complexity of urgent needs presented by the

youth at the time of admission. The young person was forced to navigate a world they were not familiar with. They often could not contain or regulate their feelings of betrayal, lack of worthiness, rage, powerlessness, hopelessness, and fear. They were hyper-vigilant and reenacted familial patterns of coping. Because the philosophy and practice of many group care settings is institutional in nature, compliance to structure and rules was paramount. If the youth's volatility evidenced by their behaviors was not managed well, with sensitivity and from a trauma-informed lens, behaviours would escalate, and charges would be laid. In most incidences, this was the very first charge that a youth had ever received. It was at that moment that they entered the YJ system – from care to correction. This represented a further breach of trust, betrayal, and lack of safety. At first entry into YJ, there is typically a bail hearing for the conditions for release. As CW does not offer surety, the youth is housed in detention. If there is no placement plan in place for the youth, they could languish in pre-trial detention until a plan is produced by CW and the defence counsel. The bail conditions for release are often not tailored to the specific needs of the youth, such that compliance is challenging, and breaches of those conditions occurs. This results in further (administrative) charges, and the youth penetrates deeper and deeper into the YJ system. Youth consistently breach the conditions because they are running from group care to their home community and family. Rarely do CW, YJ, or residential care staff seek the advice, wishes, or participation of the youth in decision making at any point in the journey from care to custody.

Noteworthy is that group care settings were advertised as a therapeutic setting that would meet the needs of youth's documented diagnosis. However, these "therapeutic" settings would contribute to youth's mental health worsening, as their needs continued to be mismanaged, whereas youth removed from their home for protection concerns experienced similarities, but penetrated deeper into the YJ due to the institutional philosophy and lack of standards for care within group care settings.

### **Interrupting the Trajectory:**

The Project at the Belleville site invested in strategies to keep youth out of the YJ system. If young people became involved with the courts, the Project worked to facilitate getting them out of the YJ system as soon as possible, and it attempted to facilitate the provision of children's services as opposed to reliance on the YJ system to access resources. JHS was crucial to creating these connections.

Clearly, no one agency can manage effectively the complex needs of cross-over youth within a complicated, multi-sector, myriad of resources and services. Practitioners and stakeholders expressed frustration in the limited availability of resources and the subsequent inadequate service response to these young people. This was especially true when working with YJ and CW stakeholders from out-of-jurisdiction. It was acknowledged through the Project that the experience of working with these young people under these circumstances is traumatizing. These youth have deep histories of trauma and loss, and they act out this pain and grief behaviourally. These young people demonstrated to the Project that they had a total lack of trust and in fact overt animosity towards institutions, workers, group care providers, and those

with any kind of authority. They were defiantly provocative in expectation of retraumatization in the institutions they interacted with. The Project provided training in trauma-informed practice and supported meaningful collaboration across sectors through training and workshops as an attempt to tackle some of these challenges.

The case conferencing model was effective in supporting inter-agency collaboration, particularly when all agencies bought into the process. For successful outcomes, all the stakeholders, in a coordinated partnership, had to take a dedicated role in communication maintenance and youth-centring. One of the challenges was the diverse and complex range of stakeholders across multiple sectors and jurisdictions beyond Belleville. The CCF spent a significant amount of time before, during, and after case conferences scaffolding relationships between stakeholders and service providers, fostering a culture of youth-centring amongst case-conference attendees, and ensuring stakeholder follow-through on agreed-upon action items in preparation for and following case conferences. This was time- and resource-intensive, but the most necessary part of the role to ensure sustainable outcomes.

The three pillars which underscored all service provision was trauma-informed care, anti-oppressive practice, and youth-centring. The Project put in place models of practice, protocols, and training initiatives that honoured these core principles. The most effective strategy or tool utilized by the Project to influence change, aside from knowledge exchange and training, consultation, stakeholder engagement, case conferencing, and mechanisms for meaningful youth participation, was the role-modelling of relational practice that respected the voice, lived experience, and inherent agency of cross-over youth. This required considerable advocacy on the part of CCF in various forums and settings. The CCF, along with JHS Youth Peer Mentors, offered unconditional support, respectful conversations, meet youth where they are at emotionally and physically, navigated and negotiated through complex systems with them or on their behalf, spoke their language, answered their questions with appropriate explanations, set mutually agreeable expectations, listened with undivided attention, and offered hope. The relational approach with young people translated to the plans of action which became the vehicles for innovation and change at the systemic level.

## CONSIDERATIONS FOR POLICY AND PRACTICE

### A Lack of Standards for Quality of Care

There has been a shift in recent years in the literature regarding the “child-welfare-to-prison pipeline”, indicating the need for a more holistic understanding of contributing factors that push young people from the CW system into the YJ system, rather than merely examining ‘risk factors’. The lack of quality of standards has created a space that has given rise to a setting that is criminogenic, meaning the lack of accountability in these privatized settings causes oppositional behaviour. The use of intrusive measures not only discounts a young person’s lived experience, it also silences their voice and denies their rights (Finlay & Pearson, 2019). When reviewing the period of 1978 to 2017, the Ontario Ministry of Community and Social Services, along with other government sectors in Ontario and the Ontario Child and Family Service Advocacy, it is evident that there was an intent to formulate standards and guidelines for youth residential care facilities. Across this nearly 40-year time frame, many concerning themes arose and persisted. Indeed, there is minimal follow-through, as new ministries have been no better at adapting these recommendations for change. These themes are presented as a chart, entitled ‘History of Residential Review Standards and Guidelines’, outlining direct passages from Ontario government reports created by the Ministry of Community and Social Services, the Ministry of Correctional Services, Canadian Child Welfare Association, the Ontario Child and Family Service Advocacy, and the Ministry of Child and Youth Services (see Appendix 5).

One of the major issues that contributed to the themes identified is the ambiguity of these standards, which leaves ample opportunity for residential care facilities to develop their own policies that may be neglectful of the rights of young people in the following areas. Both staff hiring/training practices (row 1-8) and the use of restraints (row 9-14) were a common concern, as throughout this time frame, the government has yet to establish clear standards for practice as it relates to these two themes. This issue persists into the development of programming, as other recurring themes included a need for culturally sensitive programming (row 40-46), case management (row 31-34), and family support services (row 35-39). This extends to the theme of youth voice and advocacy (row 15-22), as standards indicate that youth voice should be inclusive in program development and complaint procedures, and facilities must ensure that young people are aware of their rights and how to contact the Child Advocates Office. However, the mechanisms and extent to do so are not clearly outlined, leaving many young people unaware of their rights in care and who they can contact. Ultimately, the lack of clarity in standards and responsibility creates a systemic problem for accountability measures (row 23-29). The major theme that has evolved for young people in YJ facilities is the need for support services at community and family levels, rather than reliance on institutional care (row 47-53).

### Early Family Based Intervention

Through the experiences of this Project, it was found that many young people entered the CW system due to parent/child conflict, or in other words an inability to care for youth due to

‘extreme behaviour’. The literature also further supports this finding, as unresolved issues such as the impact of early childhood trauma further influences a young person’s entrance and persistent involvement in the CW system, especially when these underlying concerns are not appropriately addressed (Orsi et al., 2018; Shipe, Shaw, Betsinger & Farrell, 2017). Consequently, there is a lack of proactive support for the young person or their care providers and networks. In order to improve outcomes and disrupt this trajectory into the YJ system, early intervention and proactive supports that foster a wraparound approach are recommended (Bala, Finlay, De Filippis & Hunter, 2015).

### **Interrupt the Pipeline:**

Many resources are not employed until a case reaches a crisis point. Many of the families of cross-over youth could keep their youth in the home if they had the proper supports and resources to support them in doing so. However, it was the Project’s experience that, for many families, resources were not provided to them until they were in crisis. Once in crisis, for many families, group-care settings provided as ‘best placement options’. However, from these placements, it was only a short jump to a young person’s first charge. Disconcertingly, once in the YJ system, a youth was better able to “jump the line” for services and resources that in many cases could have been provided at the front-end of their involvement with the CW sector. In agreeance with the recommendations provided in the MCYS’s (2016) Residential Services Review,

“Greater communication and coordination across sectors and levels of service would likely result in fewer moves and disruptions in care for children and youth, and perhaps even fewer young people entering residential care. Mental health, behavioural, and crisis services should wrap around the young person and support that person where they are living. The young person should not be forced to move simply because additional supports are unavailable to help them in their current living situation” (p.22).

### **Pre-escalation and De-escalation Approaches and Strategies:**

The Project has developed a group care charging protocol, which provides suggestions to residential care providers on implementing a series of pre-escalation and de-escalation strategies and interventions to minimize the issue of group-home charges. Pre-escalation strategies and interventions are responses to all the behaviour and circumstances that led up to the point of conflict. This can go as far back as when the youth first arrived at the home and be as close as moments before the conflict. Ensuring high quality of care throughout different aspects of a young person’s residential care experience can promote pre-escalation approaches and interventions that limit conflict with youth. De-escalation strategies and interventions are alternative strategies to decrease the necessity of police involvement when young people are in crisis.

As discussed in further detail within the Project’s ‘group-care charging practice guide’, de-escalation strategies require group care staff to deal with crises as a team. Furthermore, it



suggests that individual care providers consider whether their responses to young people in crisis are coming from a reactive position. The group care charging practice guide recognizes that, if there is a conflict between one service provider and a young person, it is easy for issues to be clouded by feelings of personal animosity. If protocols are established that stipulate that responses to conflict with young people have to be proactively agreed upon by team members, among other strategies, it may increase the probability of more proactive and less reactive responses.

### **Increased Use of Discretion:**

Both police and group care staff should utilize an increased degree of discretion to disrupt the overcriminalization of cross-over youth. The problem is most acute as it relates to administrative breaches, assault, and mischief. However, it applies to a wide range of charges, including assault on a peace officer, theft, possession and robbery. Guidelines on the use of discretion should take into consideration the full context of the youth's experience. Training and education should be conducted to ensure that officers fully understand the ramifications of custody on cross-over youth. Procedures surrounding the use of discretion must take into consideration research conducted on trauma and its effects throughout the life course. The frequency of availability to programs for cross-over youth should be modified in relation to their lived reality.

### **Permissive Bail**

The Project recommends the uniform and universal adoption of the principles enunciated in *R. v. Antic*. This decision calls for the least restrictive form of release possible with the least restrictive and least complex conditions feasible. The decision applies to all release decisions, including a police officer's discretion to issue a promise to appear. There should be constant review of the standard wording of bail conditions. The standard E-Jiro form in Ontario has been amended to include exceptions to the non-association and non-contact conditions for release and probation orders. These exceptions should be considered in every case. All stakeholders must ensure that bail conditions are phrased to achieve the aims of the justice system, not simply to particularize them for charging purposes. Administrative breaches were one of the most pervasive and difficult aspects of navigating through the justice system for cross-over youth. The Project would also recommend that the Crown's Office consider streamlining the process with more global bails and the transfer of charges between jurisdictions for global resolutions.

### **Better Advocacy by Stakeholders**

All the stakeholders should receive basic training to familiarize themselves with both the YJ and CW legal system. It is important that all stakeholders advocate for their youth. They should not be dissuaded by a lack of knowledge in a particular system. CW workers must show up to court and act like their youth's parent, not like a professional who is simply obligated to be there. The lack of vigorous advocacy on behalf of cross-over youth is part of the reason they are treated

disproportionately harshly. Workers even sometimes encouraged punishment and advocated against releasing their youth without regard for trauma-informed practice.

### **Specialized Training for YCJA Practice**

Stakeholders like Legal Aid Ontario should formally encourage familiarity with the YCJA for counsel wishing to obtain youth certificates. Legal Aid should fund counsel to participate in proactive planning conferences. Preventive measures will save resources in the long-term. Courts should also make local procedures easily understood and widely disseminated where they differ from standard adult court practice. All stakeholders should work together to ensure that youth who have yet to have a show cause are not adjourned for any significant period of time without a justifiable cause. As part of a Legal Aid Ontario Youth Panel, counsel should be required to review material pertaining to youth-centring, and trauma-informed and anti-oppressive practice.

### **Case Conferencing**

The Project has identified lengthy pre-trial detention as a major obstacle to progress for the youth the Project served. Planning is a major element of the risk mitigation at the bail stage. In order to achieve this, case conferencing has been used at the bail stage to get youth out of custody faster. Defence counsel does not always have the resources or the institutional knowledge to plan effectively. Case conferencing has been implemented to encourage CW to find more suitable placements for youth. A recent study by Kolpin (2018) found that a youth partnership is beneficial and should be established when determining plans of release and making decisions in regard to instituting bail. Similar to these findings, the Project observed that youth-centring at the placement stage led to a decrease in breach charges. Therefore, it is advocated to adapt a more collaborative approach, rather than a punitive one. Our findings on conferencing suggest that this medium is also a suitable setting to gather information about positive progress and ensure accountability of all involved parties. Positive information that arose from conferencing has been used to convince Crowns to consent to bail variations and decrease the risk of administrative breaches.

### **Diversion Programs:**

Diversion programs should not be limited to first time/minor offences for cross-over youth. The Project advocates that community safety interventions should be guided by trauma-informed practice and away from antiquated notions of punishment, as the latter is a method that proposes short-term solutions. Because a cross-over youth's development is still very malleable, the Project advocates that these youth are perfectly positioned for long-term interventions. This approach is compelling, as it is more likely that the underlying issue is addressed and is unlikely to escalate to an unmanageable degree. Agencies should mandate a more proactive, positive intervention through policy reform. The Project has developed best-practice guidelines for trauma-informed care as a practical resource tool. All stakeholders

should provide meaningful trauma-informed training and must be held accountable for ensuring it is implemented into practice.

### **Youth-Centring:**

The principles of youth-centring have to be adopted by all stakeholders. This will require education and training of service providers across sectors. Any training program must be of sufficient intensity to break long-standing habitual behaviours. There are many stakeholders with well-meaning intentions that are exacerbating the problem of a lack of youth voice through paternalistic interactions. This is pervasive in the system, and will take a collective effort to rectify. The Project has developed a statement of principles on youth-centring to act as a starting point. Above all, youth-centring must be based on the inherent truth that youth are the experts on their own lives. They must be listened to, and stakeholders should help the youth work towards their expressed preferences. The Project's Child Welfare Subcommittee has also developed a best practice model for CW workers, which includes a component of best practice to further support the implementation of youth-centring models.

### **Youth Mentorship Program:**

There should be a separate youth mentoring program that works to help translate youth voice. The mentorship program should be based on the same guiding pillars as the Project: trauma-informed, youth-centring, and anti-oppressive practice. Furthermore, the program should include training so that mentors, older youth with lived experience, can follow along with the judicial proceeding. The mentees should be matched with culturally analogous mentors. This will allow for an easier rapport to develop and ensure a smooth transition and coordination with other services. The mentorship program should be given enough autonomy to ensure that there are no barriers to gaining the young person's trust. The program needs to be consistent and invested in the youth for a long-term period. A peer mentorship program's primary aim should be to give the youth the best chance to advocate for what they decide is in their best interest. Adult allyship should be negotiated with mentors and mentees to ensure that appropriate supports and resources are available to facilitate successful outcomes.

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## **Appendices**

### *Appendix 1:*

*List of Belleville Steering Committee Members*

### *Appendix 2:*

*Considerations for Best Practice: Group Care Settings*

### *Appendix 3:*

*Considerations for Best Practice: Police Response*

### *Appendix 4:*

*Best Practice Model to Be Incorporated into Youth-Peer Mentor Models*

### *Appendix 5:*

*History of Residential Review Standards and Guidelines*

## APPENDIX 1

### List of Belleville Steering Committee Members

#### The Honourable Justice Elaine Deluzio

Ontario Court of Justice  
15 Bridge St. W.  
Belleville, Ontario K8P 0C7

#### Penney Peters

363 Dundas Street West Belleville, Ontario  
K8P 1B3

#### Debbie Woods

John Howard Society 21 Wallbridge  
Crescent, Belleville, ON K8P 1Z3

#### Will Manos

Youth in Transition Program 21 Wallbridge  
Crescent, Belleville, ON K8P 1Z3

#### Lisa Clarke

Ministry of Children, Community of Social  
Services  
199 Dundas St E  
Belleville, ON K8N 1E2

#### Madison Spriggs

Youth Outreach Worker 52 Catharine St. N  
Hamilton, ON L8R 1J

#### Mary-Anne Baun

Ministry of Children, Community of Social  
Services  
199 Dundas St E  
Belleville, ON K8N 1E2

#### Patrick Menard

Ontario Provincial Police - Prince Edward  
County 569 Prince Edward County Rd 1  
Picton, ON K0K 2T0

#### Wade Roy

Ontario Provincial Police - Prince Edward  
County 569 Prince Edward County Rd 1  
Picton, ON K0K 2T0

#### Lisa Robson

Ontario Provincial Police - Central Hastings  
105953 Trans-Canada Hwy  
Madoc, ON K0K 2K0

#### Paul Fyke

Belleville City Police  
93 Dundas Street East Belleville, Ontario,  
K8N 1C2

#### Terri Smith

Belleville City Police  
93 Dundas Street East Belleville, Ontario,  
K8N 1C2

#### Vicky Bae

Crown Attorney  
15 Bridge St. W.  
Belleville, Ontario K8P 0C7



### **Paul Layefsky**

Crown Attorney  
15 Bridge St. W.  
Belleville, Ontario K8P 0C7

### **Jody Bain**

Community Organized Support and  
Prevention 250 Sidney St  
Belleville, ON K8P 3Z3

### **Rhonda Lummis**

Community Organized Support and  
Prevention 250 Sidney St  
Belleville, ON K8P 3Z3

### **Linda Seeley**

Community Organized Support and  
Prevention 250 Sidney St  
Belleville, ON K8P 3Z3

### **Kathy Holland**

Ministry of Children, Community and Social  
Services  
199 Dundas St E  
Belleville, ON K8N 1E2

### **Dawn Miller**

Children's Mental Health Services 3  
Applewood Dr #300  
Belleville, ON K8P 4E3

### **Krista Carley**

Youth Habilitation 210a Front Street  
Belleville, ON K8N 2Z2

### **Kyle Binnie**

St. Leonard's Youth Facility 1970 Hamilton  
Rd  
Trenton, ON K8V 5P8

### **Paul Lamain**

Counsel  
63 South Front Street Belleville, ON K8N  
5P4

### **Pieter Kort**

Counsel  
309 Front St E, Belleville, ON K8N 5A2

### **His Worship Ian Christopher Pieltzer**

Ontario Court of Justice  
15 Bridge St. W.  
Belleville, Ontario K8P 0C7

### **Neil Kerby**

Loyalist College  
376 Wallbridge-Loyalist Belleville, ON K8N  
5B9

### **Rosie Reid**

Loyalist College  
376 Wallbridge-Loyalist Belleville, ON K8N  
5B9

## *APPENDIX 2*

### **Considerations for Best Practice: Group Care Settings**

The Cross-over Youth Project (The Project) has observed the disturbing systemic issue of youth in the child welfare system incurring their first in a series of charges in out of home placement settings, particularly in group care (Cross-over Youth Project, 2019). Youth are removed from their families as a measure of last resort to protect them from harm. However, far too many of them enter the criminal justice system through the uniquely challenging environment of group care.

There is a considerable amount of resources being spent on youth in the child welfare system. Yet, many find their new environments are unwelcoming and hostile. This failure should not be the youth's burden to bare, especially not through charges and custody.

The current policies and procedures being used in most group care settings are inadequate. There must be a collective action to change, both in environments and responses.

As a starting point to successfully meeting the needs of youth in the child welfare system, staff and operators must work together to ensure the following three principles are the foundation for the care and treatment of youth residing in their homes:

1. A trauma-informed practice
2. A youth centred approach
3. Anti-oppressive practice

**Cross-over Youth:** young persons aged between 12-17 who are in care or receiving services through the child welfare system and also have involvement in the criminal justice system. A disproportionate percentage of cross-over youth are from racialized communities.

#### **How We Know What We Know**

The Cross-over Youth Project collected data through a series of methods. Primarily the information contained within this guide was derived from following cross-over youth through the court process in Hastings and Prince Edward counties. Furthermore, the Cross-over Youth Project conducted one-on-one interviews with local stakeholders including eight out of home placements operators (Kennedy House, Dawn Patrol, George Hall, Terrace, Heritage House, Kerry's Place, Honeywell House, Connor Homes). The Project also conducted one on one interviews with 5 other stakeholders (COSP, Children's Mental Health, First Nations Court Worker, Restorative Justice Expert, Judge). Additionally, periodic check-ins were conducted with these individuals as the project progressed.

The Belleville Steering Committee provided insights during cross-sectoral meetings and delivered direct feedback on best practice. The Belleville youth advisory group and the peer mentors provided additional feedback on these issues to maintain youth voice throughout the project. All the information gathered through these interviews and meetings was reviewed and analyzed by members of the Cross-over Youth Project and coded to reveal themes in the data. These considerations were devised to address to the themes that emerged from the data. The themes were then compared against the experience and data in other pilot sites including Toronto, Thunder Bay and Brantford. Additionally, these themes were compared against both national and international literature on the relevant subjects.

Once the information was collated it was presented to the stakeholders for feedback and that feedback was incorporated into the report. Most stakeholders participated fulsomely. However, as the Project neared completion participation of some stakeholders decreased significantly, most notably group care operators and their representatives.

## **Trauma**

Youth who enter the child welfare system and are placed in a group care setting have by definition experienced trauma. Many youth have entered the child welfare system as a consequence of childhood abuse and neglect, including physical and sexual abuse.

Moreover, the process of being apprehended from their home, as volatile as their home situation might be, is a traumatic experience in and of itself. In many cases, the very nature of living in group care settings, away from their families and loved ones is re-traumatizing for these youth. Being moved from a place you know to a place you do not would be difficult for anyone. It is even more difficult to go from a family home to an institutional setting, no matter how nice it is. Additionally, the youth have to get to know and integrate themselves into a new routine/structure, as well as a new social context with many strangers. It is made even more difficult because the youth is trying to recover from their trauma. For many youth this includes the historical trauma experienced by their community and/or racial group.

### *Understanding Trauma*

Young people with histories of trauma must be cared for in a specialized, considerate manner. Group care staff must take into account the physical long-lasting impact of trauma on the developing brain. These youth require caregivers with an educational background and training focused on trauma-informed practice.

Understanding trauma requires approaching the subject with different fields of knowledge. A neurological perspective is one element of understanding the impact of trauma. Educating staff on the neurological impact of trauma may help some to elicit an empathic response. Hopefully,

staff will develop the correct understanding that these responses are largely out of the youth's control.

The brain of a youth is resilient. Faced with trauma, it reorders its pathways to protect the youth and help them survive. It takes long, diligent hard work to reprogram the brain. It is not a lack of willing on the part of the youth.

Youth with histories of trauma MAY present with a variety of symptoms. They may have none, some or all of these symptoms.

1. Youth with histories of trauma often have an abnormal and persistent fear response caused by chronic stress or trauma. This physiological response can interfere with other incoming information.

*Intrusions*: chronic activation of the neuronal pathways involved in the fear response can create permanent memories that heighten the mind's response to fear (Child Welfare Information Gateway, 2015). It can result in flashbacks, panic, rage and nightmares (Laub & Auerhahn, 1993). These intrusions can be intertwined with figures of authority that abused them. Group care service providers should be mindful not to appear as dominant figures seeking to control a situation through outward exertion of their authority. This may cause the youth's fear response to be triggered. They may have a reduced capacity to think through their actions in the moment; they may rely on this impulsive instinct.

2. Youth with histories of trauma often live in a state of hyperarousal as a defensive coping mechanism.

*Hyperarousal*: youth may be highly sensitive to nonverbal cues, such as eye contact or a touch on the arm, and they may be more likely to misinterpret them (Hardy, 2013). These youth may be consumed with a need to monitor nonverbal cues for threats, their brains are less able to interpret and respond to verbal cues, even when they are in an environment typically considered non-threatening (Laub & Auerhahn, 1993). Staff should be highly cognizant of their verbal and nonverbal cues, including their tone of voice. Youth with histories of trauma may not respond to staff cues in the way they were intended. This is not their fault and it is incumbent on group care staff to take this into consideration and modify their interactions with cross-over youth accordingly.

3. As a result of the physiological changes traumatic experiences can cause youth a vastly reduced ability to modulate the physiological response to stress and have a decreased capacity to use bodily signals for action. Without a trauma-informed understanding, it may be difficult for group care staff to read the young person based on initial reactive

body language or verbal cues. For example, if a cross-over youth is feeling trapped by group care staff, they may not display signs of fear before their fight or flight response is triggered. The appropriate response to this issue is to modify your position not to increase containment. If cross-over youth are approached with respect, compassion and empathy, they will often be eager and receptive to a calming authority in the aftermath of overwhelming events (International Association of Chiefs of Police and Yale Child Study Centre, 2017).

Modulate: youth with histories of trauma may move from stimulus to response without pause, and experience intense negative emotions in response to even minor stimuli. To group care staff this may look like an overreaction and or increased threats to others. The youth may also freeze and shut down. Hyper-arousal and generalization of threats may lead to a youth having a decreased ability to rely on their bodily sensations as an effective warning of impending threats. Youth may have difficulty labeling and recognizing their own emotions or explaining their own emotional reactions to situations and events (Hardy, 2013). For example a lack of crying, screaming, visually expressed fear or apprehension does not mean a cross-over youth is unaffected, but rather has been so affected that the baseline for emotional response has been severely altered by overexposure to negative stimuli (Child Welfare Information Gateway, 2015).

Loud and busy activity can be overwhelming and affect the youth's ability to regulate their behaviour (Child Welfare Information Gateway, 2015). Group care staff should not raise their voice at the youth or yell back and forth between staff. Speak calmly and clearly. Group care staff should be mindful of a youth's space. Searches are an invasion of privacy and will damage your relationship with the youth.

### *Trauma-informed Practice*

A successful trauma-informed service will require trauma-informed practice from everyone involved. This requires ongoing training. Any meaningful trauma training will include these four elements:

1. *Realize* the widespread impact of trauma and understand how difficult recovery is:
  - a. This means a cultural change that responds to cross-over youth with empathy. Cross-over youth have been permanently affected by situations out of their control. Their actions are a direct expression of the pain and trauma they have experienced. Understanding this requires putting yourself in the circumstances of these youth and attempting to understand why they are reacting the way that they are,

- b. Everyone feels most comfortable with what is familiar to them. Youth with traumatic histories are most familiar with chaos, pain and unhealthy behaviour. It takes time to unlearn that and feel most comfortable in a calm environment.
- 2. *Recognize* the signs and symptoms of trauma:
  - a. Many disciplinary issues are manifestations of youth coping with their trauma.
  - b. Traumatized youth have difficulty with regulation, they often feel too much or too little.
- 3. *Respond* by integrating knowledge about trauma into policies, procedures and practices:
  - a. Training needs to occur at the front-end and then be supplemented with regular check-ins.
  - b. Structure and consistency are vital for recovery. Traumatized youth should have a regular schedule and programs should be staffed with the same rotation of staff. Avoid high staff turnover and irregularity of stressors.
  - c. De-escalation is paramount in cross-over cases. If police have been engaged, then there has been a de-escalation or pre-escalation break-down in another part of the system. Unfortunately, the most difficult cases fall to police to deal with. That's why it is so important to be ready for these situations when they occur.
- 4. *Resist* re-traumatizing:
  - a. In many cases, cross-over youth have been abused by figures of authority in their lives. It is incumbent on service providers not to approximate those previous experiences in any way.
  - b. Where possible avoid courses of action that will result in cross-over youth re-experiencing feelings of worthlessness, isolation, shame, fear, or helplessness.
  - c. Foster the development of a safe space that allows for youth to revisit their trauma therapeutically with a staff they care about.
    - i. Take the time to build a genuine relationship before expecting the youth to open up about personal details of their experiences about personal details of the youth's experience. Youth will open up to you when they feel safe and ready.

### *Historical Trauma*

A key component of trauma for many of the youth in group care is generational trauma. This is a result of larger systemic issues caused by historical trauma to minority groups. Youth in the child welfare and criminal justice system are disproportionately indigenous and racialized



minorities. In addition to the personal trauma cross-over youth have experienced, it is no coincidence that most of them have experienced the burden of descending from a culture that has experienced historical oppression. That oppression is carried through the generations and must be understood to fully understand the traumatization of current cross-over youth.

There must be an empathy for generational disadvantage from child welfare service providers. The social and economic barriers these youth face effect how many cross-over youth there are in these systems. Training on this historical context is vital for understanding the motivations and the constraints these youth face. It will help to shape more appropriate responses from service providers. It will show why an aggressive, authoritarian and directive approach is likely to be triggering rather than calming. The state represents regression, broken promises, assimilation, abuse and sleight of hand to many youth. Group care settings, while independent operators, will represent an extension of that abuse to many youth from these communities.

It is important to remember that these youth will likely associate the group care setting with all the hardships they experienced in their life, including being taken away from their community and their family. It may also represent an extension of the violence and discrimination members of their community face generally. Operators must consider deeply how their services evoke analogies to residential schools and can continue their legacy especially as Indigenous children are vastly overrepresented in out of home care placements (Barker et al., 2019). Any fulsome trauma-informed practice will deeply ingrain this knowledge into their staff and programming.

### **Youth Centring**

Youth Centring is a fundamental pillar of effectively providing services to youth in the child welfare system. Our casework has confirmed that many stakeholders interpret youth centring incorrectly. Well intentioned adults often have preconceived notions of what is 'best' for youth. The ideas may be born from intuition, ideology, personal experience, etc. Then stakeholders will attempt to use a variety of tactics (advocacy, bribery, manipulation, threats, coercion, etc.) to convince the youth that the stakeholders' idea was really the youth's idea all along.

Youth encountering charges in group care settings is a stark reflection of failed attempts at youth centring. Some of the most common charges youth incur while residing in group care are assault and breaches related to 'running away'. A youth centred approach would recognize that the youth is communicating through their actions. For example, these actions may be reflections of frustration or longing for their home communities.

It is important to help youth build their capacity to communicate their emotions through more productive means. However, service providers must also recognize their own failures to listen to the youth and address their emotional needs before it reached a point of conflict. Proper youth centring requires truly listening to what the youth wants and needs as they have

expressed. Then working together to develop a plan to safely achieve those goals. To understand youth voice and their current demands of group care, start by reading the *Residential Review* (Ministry of Child and Youth Services, 2016).

Second, familiarize yourself, and those you work with, with the *Child, Youth and Family Services Act* (2017), which requires anyone providing services to youth to ensure young people's rights to:

“To express their own views freely and safely about matters that affect them”

AND

“To be engaged through an honest and respectful dialogue about how and why decisions affecting them are made and to have their views given due weight...”

These principles appear often within the legislation and are required considerations. It is not optional to centre youth voice in decision making processes.

Third, it is important to centre youth properly. The following are steps to ensure successful youth centring:

- Use a relational approach with young people
- Engage in open and honest communication with youth
- Engage youth in all aspects of the decision-making processes
- The youth is the expert of their own life - respect their views and wishes
- Provide and involve services that respects the youth's rights
- Include the principles of youth centring, and the input of youth where possible, in the development of programs and services for young people in and out of home care
- Include the youth in the design stage of programs (rules, procedures, physical design, treatment and relationships)
- Active involvement and joint decision-making between young people, families and professionals in context of major transitions

Youth centring is a collaborative process. It takes patience and trust. It is a fundamental component of any successful conflict avoidance approach for cross-over youth.

### **History of Residential Review Standards and Guidelines**

When reviewing the period of 1978 to 2017, the Ministry of Community and Social Services along with other government sectors and the Ontario Child and Family Service Advocacy, it is evident that there was an intent to formulate standards and guidelines for youth residential care facilities. Across this nearly 40-year time frame many concerning themes arose and persisted throughout, leading up to consistent recommendations for change with minimal

follow through. These themes are presented as a chart (see Appendix A), outlining the direct passages from government reports created by the Ministry of Community and Social Services, the Ministry of Correctional Services, Canadian Child Welfare Association, the Ontario Child and Family Service Advocacy, and the Ministry of Child and Youth Services.

One of the major issues that contribute to the themes identified is the ambiguity of the standards, which leaves ample opportunity for residential care facilities to develop their own policies that may be neglectful to the rights of young people in these following areas. Both staff hiring/training practices (row 1-8) and the use of restraints (row 9-14) were a common concern as throughout this time frame the government has yet to establish clear standards for practice as it relates to these two themes. This issue persists into the development of programming, as other re-occurring themes included a need for culturally sensitive programming (row 40-46), case management (row 31-34), and family support services (row 35-39). This extends to the theme of youth voice and advocacy (row 15-22), as standards indicate that youth voice should be inclusive in program development and complaint procedures, and facilities must ensure young people are aware of their rights and how to contact the Child Advocates Office. However, the mechanisms and extent to do so is not clearly outlined, leaving many young people unaware of their rights in care and who they can contact. Ultimately, the lack of clarity in standards and responsibility creates a systemic problem for accountability measures (row 23-29).

In consideration to young people in youth justice facilities, the major theme that has evolved is the need for an emphasis on support services at the community and family levels and shifting away from the tendency to place young people in institutional care (row 47-53). For young people residing in custody facilities, the main concern is that these facilities also be held to a set standard for quality of care.

### **Pre-escalation**

In a panel's review of out-of-home care conducted by the Ministry of Child and Youth Services (2016), issues regarding the quality of care were brought forward. The panel noted that currently there is no consistency in residential care to ensure the highest quality of care for children and youth (Ministry of Child and Youth Services, 2016). The experience of youth is heavily impacted by the quality of care in a variety of factors including programs, food, rules, routines, and relationships with staff etc. (Ministry of Child and Youth Services, 2016). Pre-escalation is all the behaviour and circumstances that lead up to a point of conflict. This can go as far back as when the youth first arrived at the home and be as close as moments before the conflict. Ensuring a high quality of care throughout different aspects of the home can reduce pre-escalation and limit conflict with youth.

*Staff*

After surveying operators, the primary complainant was the pool from which they can hire staff from is too young, inexperienced and incongruently educated. However, when pressed further about wages and scheduling requirements, etc. a pattern emerged. Most operators were not offering much more than minimum wages, no consistent weekends, irregular hours and constantly changing schedules. Qualified staff need to be paid a wage commensurate with their education and experience. Underinvestment in staff is creating negative externalities. Currently, the real costs associated with the savings on staff costs are being passed onto the police and the court system. Given the daily bed rate CAS pays, plus additional extras, this is unacceptable.

### *Preparations*

Group care settings that take youth with autism have a pre-arrival process. It begins with having the youth visit their new environment before moving there. This process can take multiple visits. Suggestions other homes have used include:

1. Have youth pick the colour of their bedroom wall paint
2. Create a list of likes and dislikes
3. Stock youth's favourite food
4. Identity triggers

Group care settings should make pre-emptive plans on how they plan to avoid triggering youth. These plans should be reviewed at team meetings and shared with all group care staff. It is important that the knowledge of one staff member is shared with all for the purpose of consistency.

### *Race and Oppression*

Another difficult and frustrating obstacle many cross-over youth face is oppression. Youth in the child welfare and criminal justice system are disproportionately indigenous and racialized minorities. Group care staff must be educated on this important issue and integrate that knowledge into their daily interactions. There must be home wide training and empathy for generational disadvantage. Staff and operators must understand the social and economic barriers many of these youth and their parents and many generations back have faced. Group care staff should help youth cope with this challenge by following Ken Hardy's five steps for integrating race and oppression into your trauma-informed practice (Hardy, 2013):

1. Creating space where youth can discuss everyday experiences of oppression including experiences of pain
2. Supporting youth to build survival strategies to cope with everyday oppression
3. Supporting youth to understand and strengthen their individual and group identity for resilience

4. Encourage youth to discuss your impact on them individually and in terms of group identity
5. Recognize cultural/ Intergenerational trauma and collective resilience

It is important to support the youth by connecting them to their culture and community. Logistically, that means providing transportation and modes of communication to ensure they are connected to culture and community. It is also important to provide education to staff so there isn't confusion. For example, indigenous communities are diverse, and a group care setting cannot just have one indigenous worker/program which is expected to offer pan-indigenous programming.

Furthermore, it is important to understand that youth from different cultures and racial backgrounds will require different necessities. Resources, both financial and non-financial should be allocated accordingly in these cases. For example, Black youth may require appropriate hair products, and some youth may require culturally relevant food in the home (Ministry of Child and Youth Services, 2016).

#### *Connection to Home Community*

Youth in care by definition need "protection." However, that does not mean that their home community is unsafe. Youth are a product of their environment and connection to their culture should be fostered.

Group care settings should make accommodations for youth to visit their home communities and reconnect with their culture on a regular basis. For example, indigenous youth have a cultural connection to the land their community lives, hunts and fishes on. A program that fully takes into consideration the needs of indigenous youth would allow them time/space to connect to their land and learn traditional skills.

Youth who are forced against their will to cut off all ties to everyone they have grown up with will rebel and likely runaway. When youth runaway, especially if it will result in a breach charge, they will likely have to resort to unsafe means to survive on their own.

The more responsible approach is to facilitate visits to home communities so there can be safeguards in place to ensure healthy, productive reintegration. Allowing time for youth to reconnect to their home community will reduce youth's feelings of isolation and destabilization. Those feelings can contribute to conflict. A successful pre-escalation approach will help to defuse those feelings with planned, regular and structured reconnections to the youth's home community.

#### *Connection to New Community*

Many youth The Project has worked with expressed their isolation in the new placement communities. Some experience racism and discrimination from community members who are not used to seeing diversity in their community. Most experience the stigma of coming from the child welfare system. They are labelled as outsiders, disruptive and bad.

Many group care settings have responded to this community pressure defensively and with the aim to reduce the conflict that their presence creates. They try to reduce the impact of having placed a group care setting in a certain neighbourhood or jurisdiction by hiding and isolating the youth they serve.

Youth in the child welfare system must feel welcome in their new home. It is unconscionable that they would be made to feel ashamed after the trauma they have experienced.

It is important for group care settings to take a lead role in educating their communities. Communities should be encouraged in integrating their new citizens and encourage them to participate in local activities. Youth will feel more invested and accepted. It will lead to less points of conflict resulting from feelings of rejection and persecution. Reducing those feelings is a vital part of a pre-escalation plan.

### *School*

Many youth are schooled within the facilities of the group care setting. Remaining within the same complex and interacting with the same people without a break or change of scenery is a catalyst for heightened frustration.

Youth have the right to make friends outside the system. They also have the right to interact in a normal school environment, even if some of them may need to take specialized classes.

Our casework has uncovered situations where group care settings have sent their youth to local schools only to have them systematically isolated by the school administration. For example, in one community youth from group care were allowed to attend the local school. However, there were required to stay in one isolated portable. They were not integrated into the rest of school including during recess or school wide activities. Group care settings should be vigilant for these situations and fight back against this kind of discrimination. Youth in the child welfare system are residents of a jurisdiction and must be treated equally to their peers who do not reside in a group care setting.

Approximating a normal schooling situation will help traumatized youth to heal. Isolation is the worst approach to neglected and traumatized brains. The brain will only heal through re-learning and re-mapping healthy behaviours. It will increase the likelihood that occurs if they get to experience the same environment as their peers.



### *Check-In Logs*

Group care staff should keep logs of their interactions with youth. As they get to know the youth better, what they like, what they don't like, their personality the information should be logged and shared with all staff. This will ensure consistency with the youth.

This is not an opportunity to denigrate the youth or log needlessly personal information. It is a tool to ensure familiarity and foster a team/family atmosphere. The logs, while a formal undertaking, should be undertaken with a caring attitude that would resemble parents discussing their children.

### *Internet*

In our modern age, it is strange that youth living in group care do not have internet access in their homes and in their room. It is a normal and pervasive part of life. To disconnect these youth from the internet and cell phones means that they are living in a completely parallel world.

The Project understands that there are safety concerns with giving youth access to phones and the internet. That is true for youth in and out of care. However, group care settings should develop policies to mitigate the risk NOT prohibit its use in the home.

### *Activities*

Youth have the right to daily activity. Many group care settings have organized and scheduled daily activities like outings, sports and skills building exercises. Structure, distraction and personal growth are all essential components of pre-escalation. Therefore, a daily schedule of activities is a minimum requirement for a successful pre-escalation strategy.

It is also important to implement a strategy to ensure that the schedule is followed as often as possible. Youth who have experienced trauma need consistency and stability in their day to day. It is extremely destabilizing to have insufficient staffing for planned activities or institute a discipline policy that would result in a large number of missed or cancelled activities. It would be especially inappropriate to punish a group of youth for the actions of one of the youth.

The lack of activity in some group care settings has gotten so bad that some youth consider diversion or anger management counseling as an "activity" that at least gets them out of the house.

### *Food*

Giving youth access to nutritious food any time of day is another factor in reducing the kind of frustration that leads to conflict. Youth who live in a family home are unlikely to face the kind of food rationing and restrictions they face in an institutional setting.

Youth should be free to walk to the refrigerator or cupboard and grab a snack. It is dehumanizing and difficult for a growing body in its teenage years to not have access to food. It is common sense that tempers are quicker on an empty stomach. Trust the youth's actions that if they are reaching for food is likely because they are hungry. Ensure the options they have available are healthy and nutritious. Hold nutrition education opportunities so youth will have the information when presented with options.

Ensuring blood sugar levels are not crashing and spiking is a precursor to calm responses from youth living in group care settings. There are many potential areas of conflict, so ensuring the youth confront them from a stable metabolic condition is an important step in a well thought out pre-escalation plan.

### *Treatment/therapy*

Findings suggest that the mental health needs of youth in care are greater and more significant than the general population (Hurley et al., 2009). That comes as no surprise when we consider the traumatizing events that led to a youth being placed in care. Recognizing the complex and changing mental health needs of youth in care in an important step to ensuring quality of care and avoiding pre-escalation of conflict. Evidence suggests that the mental health needs of youth in residential care is intensifying, creating a higher demand for quality programming (Hurley et al., 2009).

All youth in the child welfare system should have access to a range of treatment and therapy options to assist them. Group care settings should be supportive of youth seeking these options, including providing transportation and logistical support. A variety of programs could act as the foundation of a successful pre-escalation strategy.

It is important that any therapy or treatment is a youth centred process. No program will be successful and restorative if the youth is there against their will. Healing requires genuine participation.

To encourage the participation of youth in therapy sessions they should be created in partnership with the youth in a strength-based way. Allowing the youth to decide what they want to address and how, is an important part of the process. All youth heal differently, and this needs to be considered. Information that is disclosed in therapeutic sessions cannot be used against youth in any way. This deteriorates the relationship, destroys trust and can cause re-traumatization and regression of healing.

All group care settings must actually offer the treatment and therapy that they advertise they do. Many operators are falsely advertising their capacity and failing to provide the programming necessary for the youth they house. This has caused a serious crisis as many other mental health agencies will not provide duplicate services if a group care setting is already being funded to provide them.

## **De-escalation**

Due to the physiological changes of trauma youth in care require a specialized approach. Service providers must have intensive training that focuses on response management. It should be reviewed periodically to stay up to date.

There should be a system in each group care setting to deal with conflict collectively and as a team. When there is a conflict between one service provider and one youth it is easy for issues to be clouded by feelings of personal animosity. If protocols are established that all reactions have to first be vetted by at least one other team member it increases the probability of a rational response. This should be especially applicable to calls for service to the police.

1. Don't allow yourself to be provoked.
  - a. Many cross-over youth do not understand the difference between positive and negative attention.
  - b. Cross-over youth may illicit that response through disrespectful or provocative behaviour.
  - c. Recognize those situations for what they are and do not feed the reaction they are seeking.
  - d. Remain calm and measured even if it is a personal affront.
2. When you approach a cross-over youth try to meet them where they are at.
  - a. Try to understand what they have been through emotionally.
  - b. Put yourself in their shoes, understand how frustrating their situation must be. Verbally validate those feelings.
  - c. Understand they likely have not been taught the tools to deal with these extremely difficult circumstances.
3. Avoid triggering behaviour and responses.
  - a. Cross-over youth will not respond well to being yelled or physically touched.
  - b. Think about how you would respond to dominating, aggressive or authoritarian displays.
4. Provide positive, non-judgmental reassurance of the youth's feelings and emotions while trying to assess or investigate the situation.

- a. Do not make pre-judgements about the culpability of the youth.
- b. Use conflict as an opportunity to teach positive lessons and impart valuable skills. Youth will learn best, if you set a good example.

Five Key Responses to Avoid:

1. Do not demand respect because of seniority or position of power, as this will reinforce the authority/subordinate dynamic between you and the youth. It will not create a sense of order, but rather provoke rebellion and escalation
2. Do not expect a traumatized youth to take personal responsibility for their actions. Most likely their actions and reactions are an instinctual survival response in a way that differs from the general population. Assigning personal responsibility will be more confusing than corrective
3. Traumatized youth may not have the cognitive capacity to understand and learn from consequences. The negative consequences of punishment will just be amalgamated with all the other negative associates and experiences the youth is carrying with them. It may increase anger, hurt and pain the youth feels and will not be able to compartmentalize them into a useful lesson. Until the underlying trauma is treated or stabilized the youth will not have the capacity to learn through punishment.
4. Do not use isolation as a de-escalation technique. Most traumatized youth have associated attachment disorders and for these youth there is no worse punishment than isolation. It will only exacerbate the youth's feelings of abandonment.
5. Avoid separating individuals that motivate each other to engage in negative behaviour. Traumatized youth are extremely hesitant to trust others and are resistant to form friendships. Permanent separation from a peer or an environment should only be explored with caution and a last option.

It is important to confront not only conscious and overt bias but unconscious and conspicuous bias. Sociological research has demonstrated that implicit bias is strongly ingrained in our society. An angry black face is viewed more aggressively and threatening than an angry white face (Eberhardt, Goff, Purdie & Davies, 2004). Bias can cause skew a threat assessment (Todd, Thiem, & Neil, 2016).

This type of bias can factor heavily into what service providers deem to be a true threat. The characterization of black boys as 'aggressive' is a systemic factor holding them in vicious pattern. Service providers must examine their own reactions for unconscious bias. This is obviously a difficult process. However, if either on an individual basis or systemically within

your program that youth from minority groups are more likely to be involved in conflict with individuals or within your program that is an indication there is bias.

### **Proactive Model**

The Project observed a pilot initiative in a jurisdiction with a high propensity for charges from group care that if implemented in conjunction with our three lens we recommend as a model for other communities.

**What:** a planning conference (minutes taken) concerning youth in residential placement that have or are at risk of having YCJA charges.

**Who:** a representative from the local police department, the residential care licensing department of the MCCSS, the local CAS agency, the home CAS agency, youth probation, if necessary and the group care setting.

**When:** monthly

**How:** a supervisor or manager from the residential placement facility is designated as the liaison between the other representatives, they are obligated to organize and coordinate these planning conferences.

**Why:** to reduce calls for service and the costs associated with the traditional path through the youth justice system.

The purpose of these conferences is to promote cross-sectoral communication. Paramountly, the conferences ensure that all stakeholders have a contemporaneous understanding of the issues. Moreover, these check-ins ensure accountability, so the youth receives all the services they are entitled to. Meeting minutes also assist as an accountability mechanism.

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Youth voice is paramount at these conferences. It is not possible to monitor youth 24/7 and it is not a desirable approach. If you try to substitute what you believe is in the best interest of the

youth rather than listening to them, they will invariably resort to doing what they were originally going to do. The better approach is to erect scaffolding through stakeholder planning to help the youth achieve what they want in a responsible manner.

*Results*

Calls for service to addresses associated with group care dropped 35% (122 calls) in the first year of The Project involvement in the community. The catalyst for the drop in calls for services was greater cross-sectoral collaboration and communication between police, group care representatives and judicial and child welfare stakeholders.

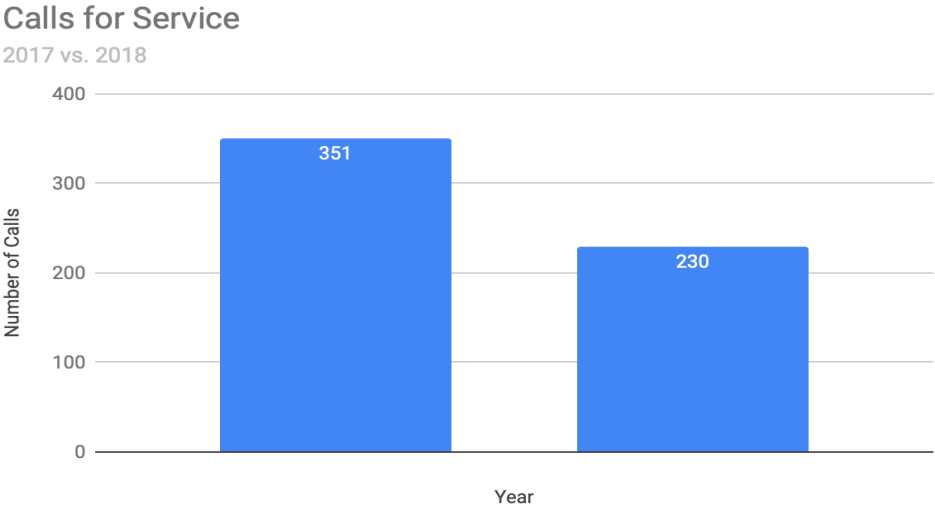


Figure 1

A major concern in this rural jurisdiction was missing persons calls. Overwhelming most missing person calls related to youth simply trying to get into town (cool off, buy cigarettes, access the internet, etc.) Another smaller portion were trying to go back to their home community or a major urban centre. There were a few that went missing where there were genuine concerns, like histories of suicidal behaviour.

## Nature of Calls

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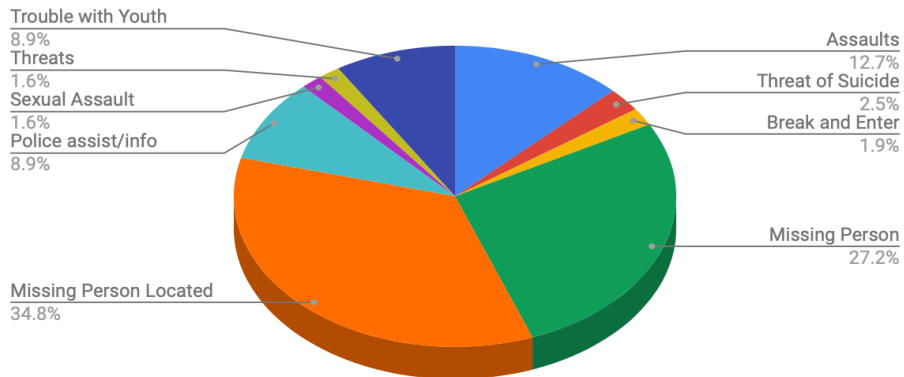


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Through cross-sectoral collaboration a more tailored approach was adopted. Less resources were expended and fewer breach charges were laid.

## Nature of Calls

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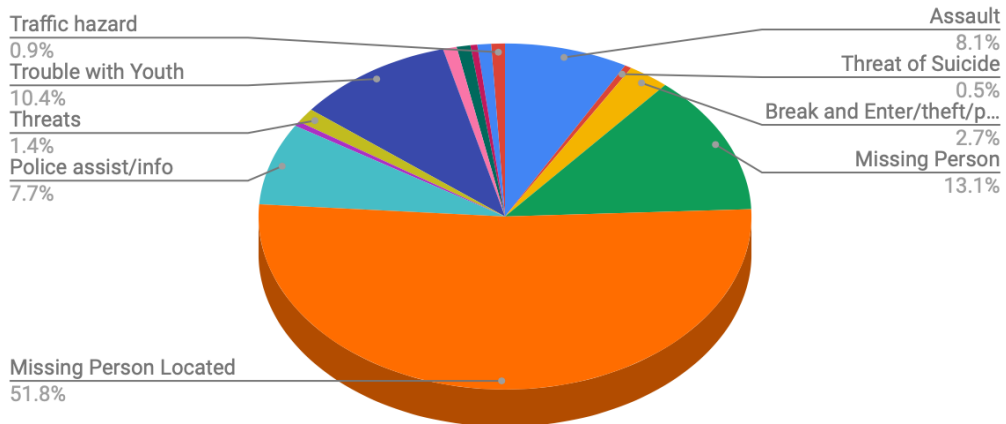


Figure 3

The group care facility restructured and reduced the number of placement spots. That led to a reduction in calls for service during COY's involvement. However, an even more dramatic drop



in calls for service was observed when the local police detachment instituted the proactive monthly meeting model. The proactive meetings began in June 2018.

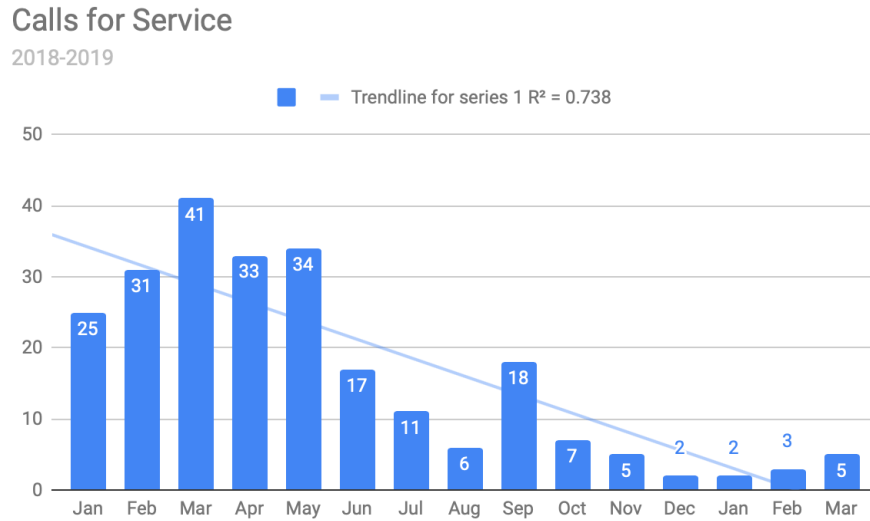


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Calls for service dropped 78% when police changed their response.

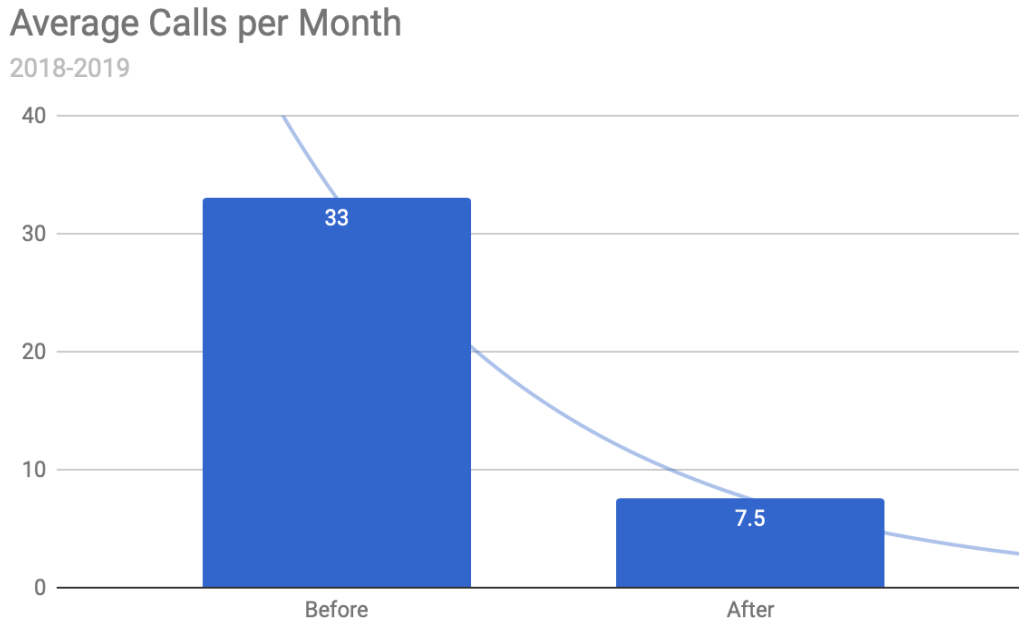


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Only 4% of calls for services were responded to by way of a charge.

## Officer Disposition

2018 - Other 195 Calls = Non-criminal

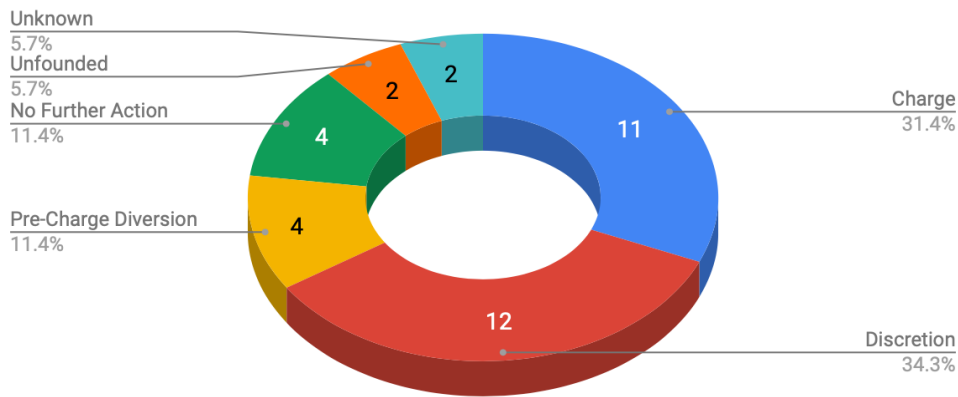


Figure 6

### *Limitations*

This pilot initiative is a step in the right direction. To continue to build on this model the Cross-over Youth Project notes that it is important to have youth be a part of the conversation. Nothing can have the same impact as the youth's actual voice. Additionally, this initiative is still highly deficit based and focuses on "problematic youth" and potential issues. Approaching these situations with a strength-based focus can increase the effectiveness of wrap around support.

### **Restorative Justice**

A restorative justice circle is an opportunity to correct behaviour and offer a satisfactory resolution to issues for the victims outside of the formal criminal justice system. Conferencing is a labour intensive process, but it offers a more realistic prospect of eliminating recidivism than custody. Restorative justice focuses on relational justice. It requires the offender to understand the impact of their actions, not through arbitrary punishment of social isolation, but through their emotional relationships with those affected in their community (Lockhart & Zammit, 2005). Although restorative justice circles can be beneficial for both sides of a conflict, it is important that youth understand the purpose of the circle. Language is a key factor in making sure that youth are properly taking away the lessons from the circle. Simple, clear restorative language ensures participation, engagement and a change of behaviour from youth (Riley & Hayes, 2017). Furthermore, a strength-based approach increases youth's responsiveness and builds confidence and self-worth which should be goals of the circle (Riley & Hayes, 2017).

### *Objectives*

1. Address underlying causes of the crime or disciplinary issue
2. Rebuild community
3. Reconnect youth with the supports necessary for future success (Lockhart & Zammit, 2005).

### *Participants*

1. The cross-over youth
2. The victim(s)
3. Trained Facilitator
4. Community members with a vested interest in the matter
5. Support personnel

### *Pre-conferencing*

Pre-conferencing requires gathering the viewpoints of everyone involved before the conference. It will require, at minimum, informal pre-conferences with every one of the attendees.

The informal pre-conferences do not have to be long. However, they are a good venue to build capacity around youth centring, trauma-informed practice and anti-oppressive practice. It is important that all three pillars formed the foundation of any restorative justice process.

It also allows for the opportunity to clarify the goals of the circle (Child, Youth and Family Services Act, 2017):

1. Show ways to repair harm
2. Give voice to the victim(s)
3. Preparator(s) take responsibility to help repair harm
4. Show community support to the victim
5. Demonstrate impact of harm to preparator
6. Centre respect and community as the best solutions to conflict

The facilitator must remain neutral during this process to ensure everyone feels fairly heard. The primary role of the facilitator is to create and maintain the platform, which the participants will use to achieve resolution and justice.

### *Conferencing*

The main objective is to keep youth from the child welfare system out of the criminal justice system. Secondly, the goal is if they do enter the criminal justice system that they spend as

little time in it as possible. The restorative justice process should be used to promote, stability, education, safety and community.

The conference should occur in a neutral space. Everyone must feel equal. Restorative circles should not happen within group care settings, where the incident occurred. There is a power imbalance for the youth that makes it non-conducive to restorative circle. There should be no disruptions in the environment, so focus can remain on the process.

Chairs should be arranged in a circle, so everyone can see and hear everyone else. The facilitator should be the only one to take notes and only for the purpose of ensure there is documentation and clarity on any agreements.

### *Facilitator*

The facilitator should be trained and practiced in trauma-informed, anti-oppression and youth centring. They should also remain neutral and understanding. The facilitator should not dominate the circle but should exert a quiet control over the platform. There is an inherent power imbalance between the facilitator as an “adult” and the youth (Suzuki & Wood, 2017). Facilitators should be aware of this imbalance and work towards ensuring that youth feel comfortable and able to share their thoughts and feelings. Studies have found that youth often feel nervous in the restorative justice circle setting which can be overwhelming and make it difficult for youth to express their feelings of remorse (Suzuki & Wood, 2017).

It is important that all youth feel that the circle is a safe space. A safe space means that judgement and discrimination are addressed within the circle in a manner that defuses and educates.

Do not minimize the feelings of participants or dismiss the impact that any participant is expressing. It is important that youth do not feel coerced into saying or doing as this minimizes the impact of the circle for the youth as well as the victim (Suzuki & Wood, 2017).

Ensure people are truly listening, which includes monitoring eye-contact and body language and leaving room for participants to digest and contemplate what is being expressed.

Allow the participants to be creative and problem solve together. It is incumbent on them to develop the solutions to this conflict and create the path to justice that they feel is appropriate. It is a collaborative process. The facilitator is not part of the collective.

### *Lessons of Restorative Justice*

#### 1. Community

- a. Relationships are the essence of community. They are defining, nurturing and giving if they are sustained in a healthy way.

- b. Conflict is a breakdown of relationship(s)
  - c. Canada's retributive justice model isolate offender from the community
    - i. Restorative justice model takes the opposite approach (Lockhart & Zammit, 2005).
2. Capacity
- a. Developing and discovering capacity occurs through relationships
    - i. Bringing people together to repair harm and learn from each other
    - ii. Isolation is less likely to result in lessons learned
  - b. Draw on the creativity of participants to find meaningful action and accountability
  - c. The goal is to develop the capacity to resolve conflict in a healthy, proactive manner (Lockhart & Zammit, 2005).
3. Connection
- a. Harm often comes from the disconnection from empathy for others
  - b. Disconnection from the judicial process leads to unresolved trauma from all participants
  - c. The circle promotes the re-connection of the participants (Lockhart & Zammit, 2005).
4. Voice
- a. Ensuring every participants voice is heard is the most important element of the circle
    - i. Expression and acknowledgement are the key factors
    - ii. This is a relational process (Lockhart & Zammit, 2005).
5. Sacredness
- a. The sacredness of a circle is created by its participants
    - i. People are inherently good
    - ii. Finding that humanity will create the sacred, safe space necessary for a productive circle (Lockhart & Zammit, 2005).

### *Post-Circle*

Restorative justice is an ongoing process. The facilitator should check-in with the progress of the relationships and agreements in the weeks and months following the circle. Everyone is encouraged to uphold the accountability of the circle outside of that space with their relationships.

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## APPENDIX 3

### Considerations for Best Practice: Police Response

To be a police officer is to live most people's worst day on a daily basis. It is taxing, difficult and dangerous. Most officers try to always put their best foot forward every day on the job. But everyone has a bad day or slips up once in a while at the end of a long shift. Even if there are no bad apples, if you multiply the rare bad day or occasional slip up across every officer, in every department, then there are many public interactions that are conducted below expectations.

One of the worst outcomes would be if those interactions happened to be with youth from the child welfare system. They are young people who have been taken from their family by the state as a matter of protection. Youth survivors of pervasive and/or complex trauma experience a profoundly diverse range of symptoms which are not captured in the current definition of PTSD (Kolk, 2005). The risk for young people who are healing from treatment is that well intentioned interventions by police officers and other service providers can lead to the re-traumatization of young people rather than the rehabilitation. To help alleviate this problem it is important to change the mindset and culture around youth that have experienced trauma. Only when a trauma-informed practice is the default setting can it be assured that the further re-traumatization of youth with complex histories of trauma won't be an unfortunate by-product of a system that over-works police officers.

**Cross-over Youth:** young persons aged between 12-17 who are in care or receiving services through the child welfare system and also have involvement in the criminal justice system. A disproportionate percentage of cross-over youth are from racialized communities.

Intervention by child welfare agencies occurs as a result of traumatizing events, such as neglect and abuse. Moreover, intervention, even in those situations, removes youth from their most long-standing relationships, which perpetuates the already existing trauma and accompanying symptoms in which they are managing. These symptoms include but are not limited to: hyperarousal, numbing and depersonalization, lack of impulse control, lack of a sense of safety and security, misperceptions, specific processing problems or learning disabilities, effects of comorbid diagnosis such as ADHD, anxiety, depression, and bipolar disorder, limited executive functioning and social skills, and other developmental delays in the areas of emotional competence, including, self-awareness, listening, managing negative affect, and relating effectively to others (National Scientific Council on the Developing Child [NSCDC], 2014).

In the absence of trauma informed awareness and understanding, too often cross-over youth are criminalized for behaviours, that on the surface present as delinquent, when in actuality,

they are symptoms of historical trauma. The over-criminalization of young people with histories of complex trauma is a systematic barrier to their healing.

Establishing relationships and contributing to a young person's sense of physical and emotional safety are imperative to the rehabilitation of young people involved within the youth criminal justice system. While every service provider has a role in helping youth heal from their histories of trauma, part of the solution is for police officers to adapt to a trauma-informed lens when responding to calls for service with these youth.

### **How We Know What We Know**

The Cross-over Youth Project (The Project) collected data through a series of methods. Primarily the information contained within this guide was derived from following cross-over youth through the court process in Hastings and Prince Edward county. Furthermore, the Cross-over Youth Project conducted one-on-one interview with 8 police detachments (Belleville City Police Service, Toronto Police Service, Prince Edward County, Quinte West, Brighton, Thunder Bay Police Service and Brantford Police Service) (Repeated meetings with TPS and PEC). Additionally, interviews were conducted with local stakeholders including group home operators and their representatives, court stakeholders and youth. Periodic check-ins were conducted with these individuals as the project progressed.

The Belleville Steering committee provided insights during cross-sectoral meetings and delivered direct feedback on best practice. The Belleville youth advisory group and the peer mentors provided additional feedback on these issues to maintain youth voice throughout the project. All the information gathered through these interviews and meetings was reviewed and analyzed by members of the Cross-over Youth Project and coded to reveal themes in the data. These considerations were devised to address the themes that emerged from the data. The themes were then compared against the experience and data in other pilot sites including Toronto, Thunder Bay and Brantford. Additionally, these themes were compared against both national and international literature on the relevant subjects.

Once the information was collated it was presented to the stakeholders for feedback and that feedback was incorporated into the report.

### **Calls for Service**

Through our casework The Project has observed many instances of disciplinary matters elevated to criminal matters. Our methodology for collecting this information came from the casework, in which our Case Conference Facilitator followed cross-over youth through the life cycle of their case, and from individual stakeholder interviews conducted by the Resource Coordinator. Disproportionately, situations of youth experiencing difficulties in group homes are over-reported, whereas in family homes these situations would be managed by their parents. This outsourcing overburdens the police response system and has shifted resources away from vital areas of policing and justice.

The Project has observed promising examples of detachments charging fees for services to heavy users that abuse the police response system. That is an encouraging first step.

The next step should be an educational effort to inform heavy users. Proactive information sessions on the appropriate scenarios to engage police in pre-conflict settings would be a useful tool for institutions prone to call. It would be helpful if those sessions included examples of situations that fall below the seriousness required to expend the considerable resources of police engagement.

Areas of abuse The Project has observed include:

- Reporting missing persons for the purpose of discharging liability
- Reporting property damage for the purpose of insurance claims
- To have officers mediate disputes
- Calling first to establish their version for a 'serious occurrence' report
  - Many service providers understand the power of framing their version of events first
  - They use their power imbalance to 'pre-but' the credibility of the youth
- To charge a 'troublesome' youth for the purpose of requiring them to move

The last step, if the burdensome calls for service continue, should be to use officer discretion to approach the response to the calls differently. For example, if there are many calls to a particular residence, and these calls for services are related to missing persons or to charge many different youth with assault, it may be an indication of systemic failures in part caused by the user. Multiple calls for service should be a red flag that there may be provocation and abuses of authority at the hands of caregivers.

Group home operators are paid a substantial sum (\$200-\$1000+/day) to provide full service residential placements for youth. For that fee, CAS placing agencies expect operators to pay for staff, mental health services, culturally appropriate services, programming and often education, along with housing, food and other expenses. The Project has observed, and the *Residential Review* has documented, operators consistently failing to provide advertised services (Ministry of Children and Youth Services, 2016).

Operators are expected to participate and execute plans of care. Rarely are these plans of care sufficiently or fully executed. The consequences for the failure of operators to create an environment for success should not fall on the youth.

Moreover, the costs of these failures should not fall to local communities. Group home operators receive substantial remittances to provide full service. The hope is that if police change the way they respond to calls (ceasing to subsidize operators through outsourced

behaviour management) it will encourage group home operators to reallocate resources to more effective pre-escalation and de-escalation strategies. Problematic users will be motivated to expend resources on treatment and therapeutic behaviour programs if they can no longer easily offload disciplinary issues onto other stakeholders. Police should take the first step to motivate and influence users to adopt this more effective and efficient approach to resources.

### **Proactive Model**

The Project observed a pilot initiative in a jurisdiction with a high propensity for charges from group care that if implemented in conjunction with our three lens we recommend as a model for other communities.

**What:** a planning conference (minutes taken) concerning youth in residential placement that have or are at risk of having YCJA charges.

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### Calls for Service

2017 vs. 2018

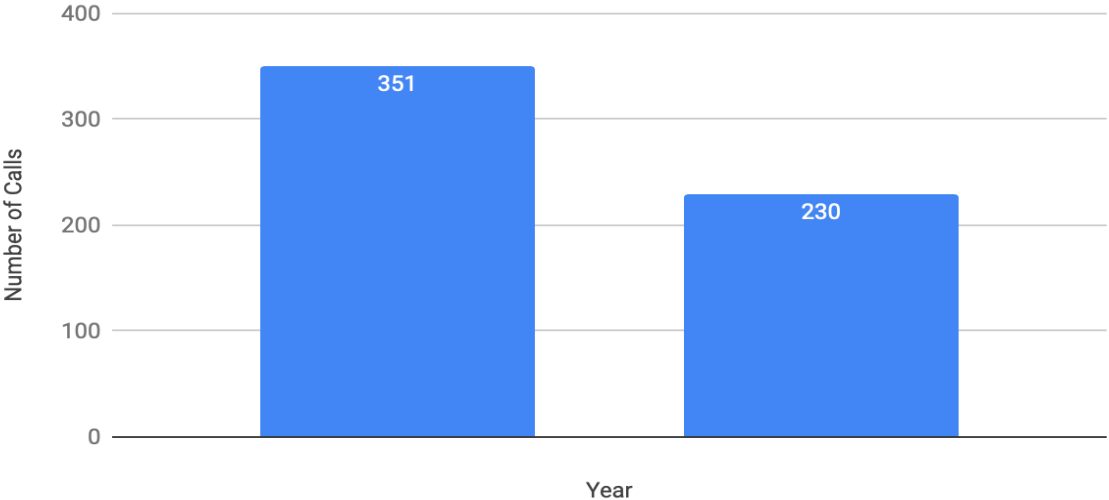


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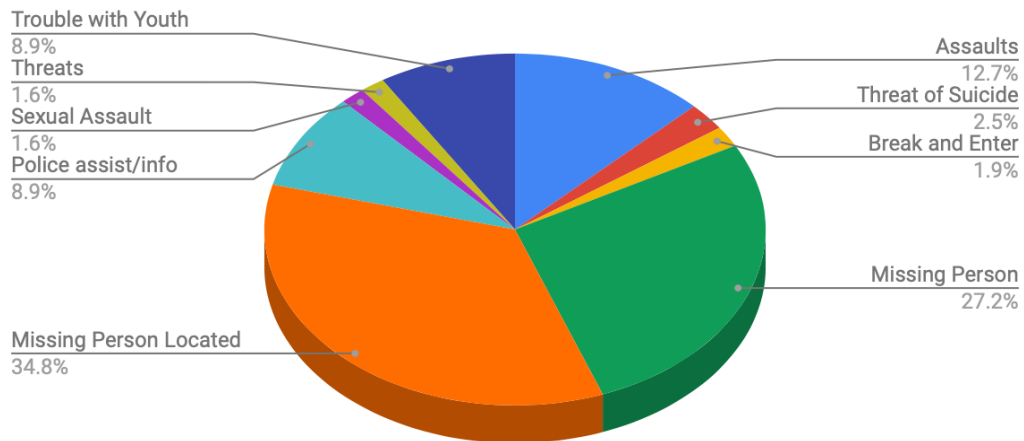


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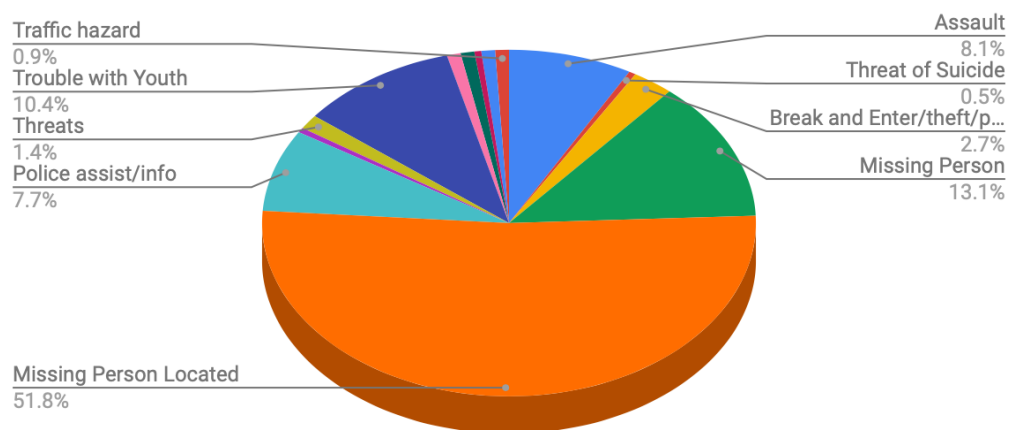


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### Calls for Service

2018-2019

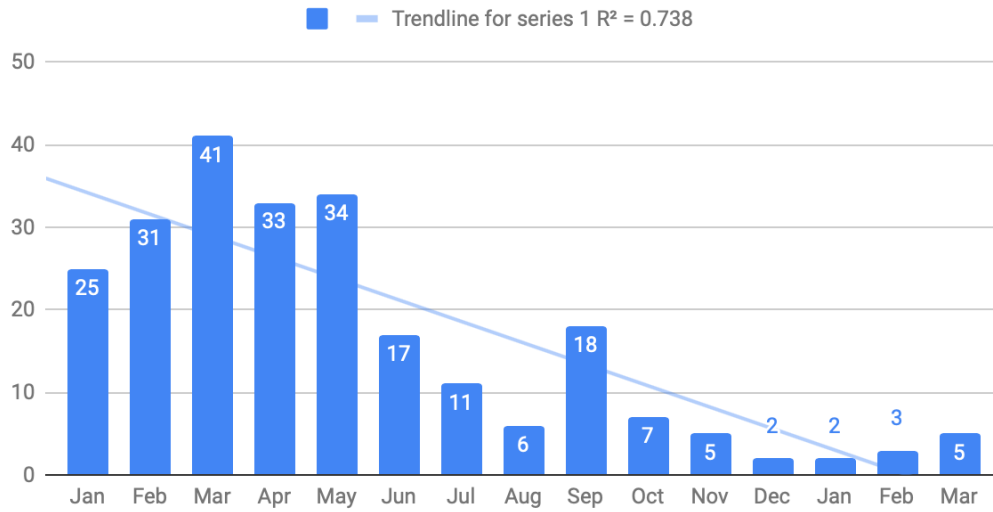


Figure 4

Calls for service dropped 78% when police changed their response.

### Average Calls per Month

2018-2019

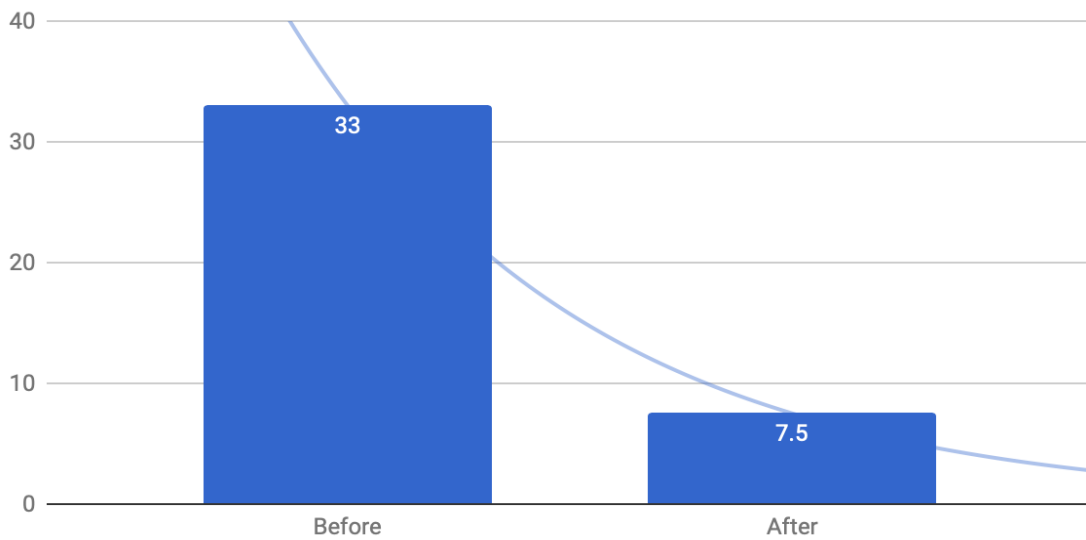


Figure 5



Only 4% of calls for services were responded to by way of a charge. When group homes are no longer able to offload their discipline issues onto the youth criminal justice system they reduce their calls for service.

## Officer Disposition

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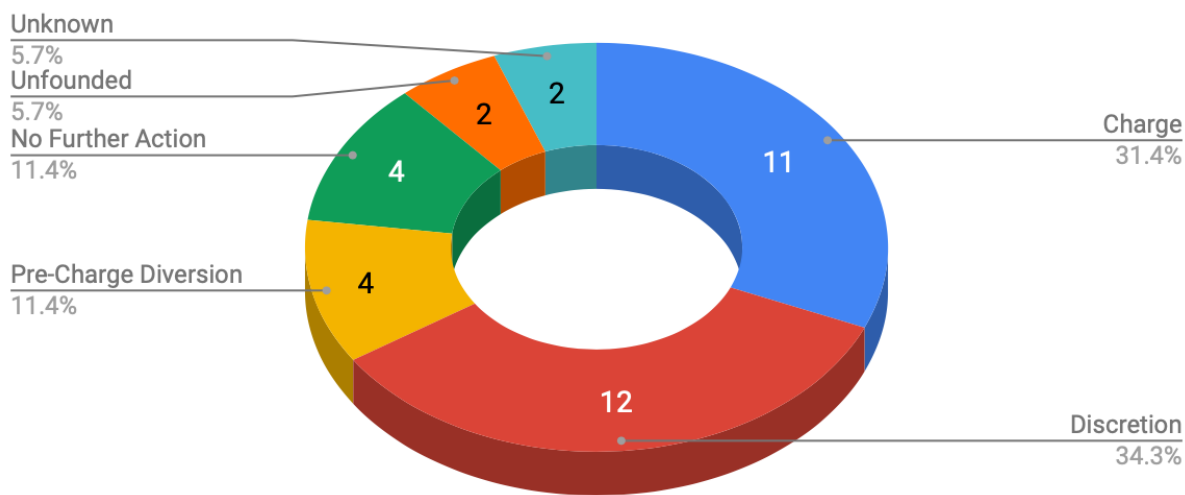


Figure 6

### Feedback

Before this system was implemented Officers stated they felt like they were chasing their tail. In the “siloe” system it was easier for stakeholders to pass blame between them. It was more difficult for the police to fact check these claims. The planning conferences has allowed officers to reduce the amount of time on the phone and chasing threads.

### Limitations/ Next Steps/Improvements

This pilot initiative is a step in the right direction. To continue to build on this model The Project notes that it is important to have youth be a part of the conversation. Nothing can have the same impact as the youth’s actual voice. Additionally, this initiative is still highly deficit based and focuses on “problematic youth” and potential issues. Approaching these situations with a strength-based focus can increase the effectiveness of wrap around support.

### Results

Calls for service to addresses associated with group care dropped 35% (122 calls) in the first year of The Project involvement in the community. The catalyst for the drop in calls for services was greater cross-sectoral collaboration and communication between police, group home representatives and judicial and child welfare stakeholders.

## **Trauma**

Extra sensitivity is needed to ensure that young people with trauma histories are not re-traumatized when entering into the criminal justice system. For example, youth who have been brought into care as a result of surviving sexual abuse may have their trauma deepened by safety procedures in custody such as searches, surveillance cameras and privacy-free facilities. Youth from minority communities may have their generational trauma exacerbated by similarly aimed policies such as those that require black girls to remove hair weaves and braids (See Appendix A).

### *Historical/Generational Trauma*

A problematic reality is that youth in the child welfare and criminal justice system are disproportionately Indigenous and racialized minorities. For example, 8.5% of Toronto's population is black but the Children's Aid Society of Toronto reports that approximately 41% of the children and youth in care are from the black community (OACAS, 2016). There are some communities where that ratio is as high as 65% of youth in care are black, whereas only 8% of the jurisdiction's population are black (OACAS, 2016).

An anti-oppressive framework promotes the understanding that for racialized and Indigenous youth and their families, individualized trauma is often a result of larger systemic issues caused by long standing historical trauma to minority groups. Coupled with the personal trauma of marginalized cross-over youth, most of them have experienced the weight of intergenerational oppression and decades of cultural genocide.

A trauma-informed lens must account for the impact of intergenerational trauma when responding to the behaviours of racialized and Indigenous youth in the youth criminal justice system. The social and economic barriers faced by marginalized groups in Canadian society significantly impact the growth and development of cross-over youth. Training on this historical context is vital for understanding both the systemic and individual issues and barriers these young people face. Applying an anti-oppressive lens to understanding marginalized cross-over youth will support the responding officer's decision-making process. For example, it offers insight into why an aggressive, authoritarian and directive approach is more likely to be triggering and re-traumatizing rather than a calming response.

For many racialized and Indigenous communities, the state represents regression, broken promises, assimilation, abuse and sleight of hand. It is important to remember that these youth are more likely to associate the uniform with the intergenerational hardships experienced in their lives and the lives of their loved ones. If young people associate the uniform as a symbol of violence and force, it becomes even more critical that police respond in a way that offers a more positive association. Responding to racialized and Indigenous young people through an anti-oppressive and trauma informed framework will lessen the risk of re-traumatization during police interactions.

### *Approach*

Young people with histories of trauma must be approached through an intentional and specialized response. Considering the impact of trauma on the developing brain, it becomes useful to associate their cases with other situations where a specialized response protocol is required, such as the recent implementation of concrete protocols when responding to adults with unique mental health challenges and needs. A similar department wide strategy for training officers is necessary to meet the complex needs of cross-over youth.

An effective response protocol will identify the unique characteristics that youth with histories of trauma MAY present. In order to humanize the youth and promote empathy in responding officers, the protocol will explain the causes of these symptoms. It will highlight the variance, noting that youth who have experienced trauma may have none, some or all of these symptoms. An officer's approach must be tailored to each individual youth they encounter.

1. Youth with histories of trauma often have an abnormal and persistent fear response caused by chronic stress or trauma. This physiological response can interfere with other incoming information.

*Intrusions:* chronic activation of the neuronal pathways involved in the fear response can create permanent memories that heighten the mind's response to fear (Child Welfare Information Gateway, 2015). It can result in flashbacks, panic, rage and nightmares (Laub & Auerhahn, 1993). These intrusions can be intertwined with figures of authority that abused them. Police should be mindful not to appear as dominant figures seeking to control a situation through outward exertion of their authority. This may cause the youth's fear response to be triggered. They may have a reduced capacity to think through their actions in the moment; they may rely on this impulsive instinct.

2. Youth with histories of trauma often live in a state of hyperarousal as a defensive coping mechanism.

Hyperarousal: youth may be highly sensitive to nonverbal cues, such as eye contact or a touch, and they may be more likely to misinterpret them (NSCDC, 2010). These youth may be consumed with a need to monitor nonverbal cues for threats, their brains are less able to interpret and respond to verbal cues, even when they are in an environment typically considered non-threatening (NSCDC, 2014). Police officers should be highly cognizant of their verbal and nonverbal cues, including their tone of voice, and body language. Youth with histories of trauma may not respond to your cue the way you intended. This is not their fault and it is incumbent on police officers to take this into consideration and modify their interactions with cross-over youth accordingly.

3. As a result of the physiological changes traumatic experiences can cause youth, many have a vastly reduced ability to modulate the physiological response to stress and have a decreased capacity to use bodily signals for action. Without a trauma-informed understanding, it may be difficult for police officers to read the young person based on initial reactive body language or verbal cues. For example, if a cross-over youth is feeling trapped by an officer's position, they may not display signs of fear before their fight or flight response is triggered. The appropriate response to this issue is to modify the officer's position not to increase containment. When officers respond to cross-over youth with respect, compassion and empathy, cross-over youth will be eager and receptive to the calming authority that officers can offer in the aftermath of overwhelming events (International Association of Chiefs of Police and Yale Child Study Centre, 2017).

Modulate: youth with histories of trauma may move from stimulus to response without pause and experience intense negative emotions in response to even minor stimuli. To police this may look like an overreaction and/or increased threats to others. The youth may also freeze and shut down. Hyper-arousal and generalization of threats may lead to a youth having a decreased ability to rely on their bodily sensations as an effective warning of impending threats. Youth may have difficulty labeling and recognizing their own emotions or explaining their own emotional reactions to situations and events (Child Welfare Information Gateway, 2015). For example a lack of crying, screaming, visually expressed fear or apprehension does not mean a cross-over youth is unaffected, but rather has been so affected that the baseline for emotional response has been severely altered by overexposure to negative stimuli (Child Welfare Information Gateway, 2015).

Loud and busy activity can be overwhelming and affect the youth's ability to regulate their behaviour (Child Welfare Information Gateway, 2015). Officers should not raise their voice at the youth, use loud sirens or yell back and forth between officers. Speak calmly and clearly. Officers should inform the youth of all planned actions and describe

them step by step. For example, if you must touch a youth to perform a search, explain your rationale and give plenty of warning for each area and step of the search.

### *De-escalation*

Police officers are trained to take command of situations for their own safety, the safety of the public and the safety of the individual causing the disturbance. Due to the physiological changes, listed above, cross-over youth will likely be triggered by dominate exertions of authority. Therefore, as soon as an approaching officer is able to determine there are no grave safety risks they should switch to a de-escalation approach.

1. Use the least intrusive force possible when responding to cross-over youth
  - a. Be relational with the young person, try to meet them at their level, and demonstrate concern over their well-being and care and empathy towards their situation.
  - b. Draw on any non-violent, crisis intervention training
2. Understand that in triggering or retraumatizing situations, such as being detained
  - a. Cross-over youth may not be as able to quickly draw on the tools they have to manage trigger responses.
  - b. Yelling and swearing may seem like an increase in risk and threat, in actuality they are the young person's learned way of keeping themselves safe.
  - c. In these circumstances, communication is the key to de-escalating young people, not force.
3. Don't allow yourself to be provoked.
  - a. Many cross-over youth do not understand the difference between positive and negative attention.
  - b. Cross-over youth may illicit provocative response through disrespectful or provocative behaviour.
  - c. Recognize those situations for what they are and do not feed the reaction they are seeking.
  - d. Remain calm and measured even if it is a personal affront.
4. When you approach a cross-over youth:
  - a. As difficult as it can sometimes can be, be proactive and not reactive when responding to a cross-over youth that are angry or upset.
  - b. Try to understand what they have been through emotionally. It is the responsibility of authoritative adults such as police officers to contribute to the healing of cross-over youth through empathetic interactions.

- c. Verbally validate how frustrated, overwhelmed, scared and/or angry the youth may be.
  - d. Cross-over youth will not respond well to being yelled at or physically touched.
  - e. Think about how you would respond to dominating, aggressive or authoritarian displays.
5. Officers can help to re-establish a sense of security and stability but only if they engage in a trauma-informed approach (International Association of Chiefs of Police and Yale Child Study Centre, 2017).
  - a. Emphasize the current plan to keep them safe (International Association of Chiefs of Police and Yale Child Study Centre, 2017).
  - b. Do not make pre-judgements about the culpability of the youth.
  - c. There are widespread reports that proper pre-escalation and de-escalation techniques are not being used. Instigation has been reported as prevalent in some environments.

### *Bias in Confrontation*

Due to systemic racism and unconscious biases, The Project has observed that too often racialized and Indigenous young people within the youth criminal justice system are not awarded the same chances or leniency as white youth. It is important to confront not only conscious and overt bias but unconscious bias. Black youth in Ontario are stopped by police 2.5 times more than their white counterparts and taken into custody at a rate that is four times higher (Rankin, 2010).

This type of bias can factor heavily in decisions like whether group home staff choose to call the police. The anti-black stereotypes that black youth are more aggressive will consciously or unconsciously trigger quicker calls for service. Factors such as this should be at the forefront of police discretion when responding to these calls and making charging decisions.

Many of the locations where cross-over youth are placed are unfamiliar to them and the local residents are not accustomed to diversity. In many small communities, youth from child welfare are segregated and viewed with suspicion. This may cause residents to report diverse youth for minor or non-existent violations. It is vital that officers approach these types of calls with caution. In these situations, there is a far greater likelihood of long-term psychological damage and/or physical escalation from police confrontations than danger to community safety from the youth themselves. While there are rare instances where cross-over youth have weapons and plan to do harm to the public, through our casework we have observed it to be the extreme exception, not the rule.

### *Departmental Training*

To be truly successful, a trauma-informed practice must be adopted department-wide. This requires ongoing training. Meaningful trauma training will support your understanding of these four elements:

1. *Realize* the widespread impact of trauma and understand how difficult recovery is
  - a. This means a cultural change that responds to cross-over youth with empathy. Cross-over youth have been adversely impacted by situations out of their control. Their actions are a direct expression of the pain and trauma they have experienced. Responding to cross-over youth in a way that supports their healing and rehabilitation requires empathy, or in other words, being able to envision yourself in the shoes of others and attempting to understand how they might feel in this situation.
  
2. *Recognize* the signs and symptoms of trauma
  - a. Signs and symptoms of trauma are over-criminalized in the youth criminal justice system.
  - b. In stressful situations, cross-over youth with trauma histories may have difficulty regulating their responses and emotions. Without an understanding of trauma, it may appear that the cross-over youth is feeling too much or too little.
    - i. Refer to the chart below for examples of how manifestations of trauma can result in criminally sanctioned behaviours

Overwhelmed	Numb	Mirroring	Combination
<ul style="list-style-type: none"> <li>● Assault</li> <li>● Utter Threats</li> <li>● Mischief</li> </ul>	<ul style="list-style-type: none"> <li>● Possession of a Controlled Substance</li> <li>● Trafficking of a Controlled Substance (often to support addiction)</li> </ul>	<ul style="list-style-type: none"> <li>● Sexual Assault</li> <li>● Human Trafficking</li> <li>● Theft</li> <li>● Robbery</li> <li>● Animal Cruelty</li> </ul>	<ul style="list-style-type: none"> <li>● Breach of Probation</li> <li>● Breach of Recognizance</li> <li>● Fail to Attend</li> </ul>

3. *Respond* by integrating knowledge about trauma into policies, procedures and practices
  - a. Training needs to occur at the front-end and then be supplemented with regular check-ins.
  - b. De-escalation is paramount in cross-over cases. If police have been engaged, then there has been a de-escalation or pre-escalation break-down in another part of the system. As per the many systems involved in the lives of cross-over



youth, cross-over youth cases can be complex and difficult. The most complex and challenging cases are the ones that fall on police to deal with. It is imperative to be knowledgeable and ready to respond to situations with cross-over youth as they occur.

4. *Resist* re-traumatizing

- a. Re-traumatization can be an extreme set-back to the healing of cross-over youth with histories of trauma. Cross-over youth have been abused by figures of authority in their life.
- b. It is incumbent on police officers not to approximate those previous experiences in any way.
- c. Where possible avoid courses of action that will result in cross-over youth being isolated, berated, denigrated or made to feel ashamed or worthless.
- d. Do not integrate the cross-over youth to disclose unnecessarily personal details of their lives. Retelling of their stories can be re-traumatizing, especially in the absence of a relationship with the officer or when in crisis or high stress situations.

### **Administrative Breaches**

Consistently, police officers have expressed the view that judicial interim releases and probation orders must be interpreted and enforced strictly. Officers have expressed that this is based on their belief that judicial officers want their orders interpreted strictly.

In consulting judicial officers at our pilot sites, they have expressed the opposite sentiment. Courts are overburdened with non-serious, non-substantive breaches. Strictly enforcing conditions takes resources away from substantive matters.

The federal government has also expressed a similar view.

### *Amendments to the Criminal Code*

In the recent decision *R. v. Jordan, 2016 SCC 27*, the Supreme Court of Canada sets a limit of 18 and 30 months for criminal matters to be pending before the Ontario Court of Justice and the Superior Court of Justice respectively. The Court held that if they were pending for any longer by reason of the state's constrained resources, or any other reason outside the accused's control, it would be a violation of the accused's right to be tried within a reasonable time under section 11(b) of the *Canadian Charter of Rights and Freedoms*. The timeline for youth matters is likely even more condensed, potentially as low as 12 months (*R v. D.A., 2018*).

In response to this decision the federal government has identified administration of justice offences as a serious impediment to judicial efficiency (Department of Justice, n.d.). The federal

government has indicated that administration of justice offences ranks relatively low in terms of seriousness. However, they drain a disproportionate amount of resources from the judicial system (Department of Justice, n.d.). Time and resources spent on enforcing curfews, residency and non-association conditions are resources taken away from other investigations and community safety initiatives.

In the one year after the *Jordan* decision there were over 200 cases dismissed by the courts due to violations of 11(b) of the *Charter*, including murder charges (Kane, 2017).

### Best Practice for Breaches

Cross-over youth have histories of trauma, they are re-traumatized by being taken into custody (even for a short period). Well-intentioned stakeholders often seek to control the behaviour of youth that have entered the criminal justice system in order to “put them back on a better path.” The theory is that attaching criminal sanctions to disobeying that direction increases the consequences for the youth and motivates them to choose the “right path” with less direct negative consequences.

This does not work for cross-over youth. They will not respond to arbitrary exercises of authority by learning the intended lesson. More than likely this approach reinforces the opposite messages, like *‘everyone is out to get me’* or *‘nothing I do is ever good enough.’*

### *Missing Person*

Missing persons reports filed by group homes for cross-over youth are a common call for service. There is a myriad of reasons for this including, disconnection from their home community, impulsive decision making due to age and trauma, not feeling comfortable in what is supposed to be their ‘home’, etc. One of the overriding reasons is that youth are trying to take proactive steps to defuse potentially volatile situations. A very common example is a youth is upset, feels they are going to react violently towards staff or other residences, so they leave the premises rather than blow up. There are also other more concerning reasons youth will go missing from group homes including suicidal thoughts, human trafficking and involvement with drugs.

A common example is group home staff watch a youth leave and immediately call police due to liability concerns. Police will then mobilize the same resources for a missing toddler. When the youth is eventually found or returns they are charged with a breach.

Group home staff should share some of the context of the situation, so police know what the appropriate resource expenditure should be. However, avoid re-traumatizing the youth by providing extraneous or needlessly personal information. Youth should not be subjected to

having copious amounts of sensitive personal data sitting in a police database, even if it is not strictly a criminal record.

Group home staff should have attempted to de-escalate the situation and entice the youth back to safety with solutions to the problem they are reacting to. Group home staff should also have attempted to address the situation before it escalated through compromise and addressing the youth's needs through youth centring. Police officers should check in that pre-escalation and de-escalation were used by group home staff during their investigation.

Most importantly, youth should not be charged with breaches for these natural manifestations of their trauma. The more the youth fears a charge the longer the youth will attempt to stay missing. The casework of The Project has uncovered multiple situations of youth living on the streets for months at a time fearing a return to their group home due to an impending charge. Moreover, youth will learn the lesson, rightly or wrongly, that system is out to get them if they are criminalized every time they get frustrated and walk out to cool off.

### **Alternatives to Charging**

Officers have the following four extrajudicial measures options:

1. take no further action against the young person;
2. verbally warn the young person;
3. formally caution the young person; or
4. refer the young person, with their consent, to a community program or agency (Ontario Provincial Police [OPP] Orders, 2013).

The *OPP Practice Manual* requires that OPP Officers:

“shall select the least restrictive extrajudicial measure that will hold the youth accountable, ensuring the minimum intervention warranted to respond to the conduct” (OPP Orders, 2013).

In selecting an extrajudicial measure, a uniform member shall ensure that it is:

- applied fairly; and
- proportionate to the offence (OPP Orders, 2013).

These standards are derived from the provisions of the *YCJA* and thus is similarly applicable to non-OPP officers.

### *Informal Pre-charge Diversion*

For many minor offences, the most **sensible** course is to take no further action (OPP Orders, 2013). OPP officers are directed to consider whether the youth's guardians have already taken sufficient steps to hold the youth accountable (OPP Orders, 2013). In the group home context, operators may neglect to implement effective accountability procedures as a means to lower their operating costs. As a matter of fact, formal or informal policy operators may attempt to use this provision as a means to shift costs onto the justice system. Officers must be vigilant for abuse of this provision and insist operators take responsibility for accountability for minor offences.

This is similarly applicable to situations where a verbal warning is appropriate. There are situations where it may be appropriate for operators to engage police to issue a warning that carries the requisite weight. However, even a warning uses police resources. So, operators should be notified not to be overly reliant on this method of accountability.

Given the complexity of the challenges faced by cross-over youth, it is unreasonable to expect a change in behaviour after one interaction. Through stakeholder consultation and casework, The Project has observed a "one strike, you're out policy" with many officers.

To promote rehabilitation, cross-over youth should be given multiple opportunities to complete informal pre-charge diversion even for the same or similar offences. The content of the pre-charge diversion may be modified on repeat attempts.

Many of the offences that cross-over youth are charged with are unrelated to public safety; this includes most breaches, mischief, theft and possession. These are all instances in which the ideal response for a cross-over youth is understanding, compassion and empathy. Charging youth will not correct their behaviour. Spending the time to build relationships with cross-over youth and learning the factors contoured to their acting-out will save the system a lot of time and resources in the proximate future.

In other situations, where there are allegations of a threat to public safety (simple assaults), they still may be candidates for informal diversion. Where the facts are unclear, or the surrounding context appears to have been potentially antagonized, refrain from rushing to judgement of the cross-over youth as "troubled", thus should be assigned personal responsibility.

The *OPP Practice Manual* grants officers the discretion to convene a conference in order to obtain advice on an appropriate extrajudicial measure (OPP Orders, 2013). The project encourages maximizing the use of this provision.

*Formal Pre-charge Diversion*

Through stakeholder consultation and casework, The Project has observed a trend where increasingly serious charges are being considered for Extrajudicial Sanctions. This is a promising development. The Project would encourage this trend to extend to Extrajudicial Measures.

It is an unnecessary barrier that a youth must be charged before they can access the programming and services available for Extrajudicial Sanctions. Departments should seek partnerships with programming and services providers to offer similar or even enhanced options for officers to choose from without having to charge.

The increase in resources needed for an enhanced EJM will be more than offset by the decrease in the need for EJS and reduce the burden on the courts and officers who are required to complete the requisite paperwork and disclosure requests. Moreover, youth will avoid the trauma and stigma associated with a charge.

The *OPP Practice Manual* grants an officer the discretion to refer a youth to a community program/agency that may assist with rehabilitation. The referral may be to:

- a local Youth Justice Committee
- an agency with whom the detachment has an extrajudicial measure referral program operating protocol; and
- any other local agency or program that is deemed suitable (OPP Orders, 2013).

#### *Release conditions (when necessary)*

Section 493.1 of the new proposed *Criminal Code* requires that release of the accused at the earliest reasonable opportunity and on the least onerous conditions that are appropriate in the circumstances, including conditions that are reasonably practicable for the accused to comply with.

Section 11 (e) of the *Charter* guarantees both the right not to be denied bail without just cause and the right to bail on reasonable terms.

In *R. v. Antic*, 2017 SCC 27, Wagner J, for the court reaffirmed that save for exceptions an unconditional release on an undertaking is the default position when granting release.

It is important that these standards are applied to all stakeholders who are responsible for fashioning releases; this includes police officers who are releasing on a promise to appear.

It is a drain on resources and causes significant delay if the conditions of a promise to appear need to be modified in court. The average time reported for a variation is 3 weeks. It is likely that the youth will breach an unreasonable condition before it can be changed.

See the attached list of ***bail conditions suggestions***, which can be applied to any form of release.

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## Appendix A

### A Neurological Understanding of the Impact of Trauma

One of the layers to understanding consequences of neglect and abuse children and youth is to observe the impact of trauma through a neurological framework. Trauma literature reveals that prolonged maltreatment such as parental neglect, family violence, and physical and sexual abuse interferes on a fundamental level with cognitive and neurobiological development of the brain (Miller, 2007).

For growing children with developing brains, prolonged exposure to neglect and abuse causes changes to the structure and chemical activity of the brain (e.g., decreased size or connectivity in some parts of the brain) and in the emotional and behavioral functioning of the child (e.g., over-sensitivity to stressful situations).

#### *The Physiological and Underlying Causes*

*Hippocampus*: a lower volume in this area of the brain leads to difficulty in learning and memory (McCrory, De Brito, & Viding, 2010). It can also reduce the capacity to bring cortisol levels back to normal after a stressful period (Shonkoff, 2012).

*Corpus callosum*: the largest white matter area in the brain. Reduced volume in this area affects inter-hemispheric communication, responsible for arousal, emotion, and higher cognitive abilities (OPP Orders, 2013).

*Cerebellum*: lower volume in this area affects coordinate motor behavior and executive functioning (OPP Orders, 2013).



*Prefrontal cortex:* physically abused youth may have reduced volume in the orbitofrontal cortex, a part of the prefrontal cortex that is central to emotion and social regulation (Hanson et al., 2010).

*Amygdala;* trauma can cause over-activity in this area of the brain, which helps determine whether a stimulus is threatening and trigger emotional responses (NSCDC, 2010).

*Cortisol levels:* child and youth in the child welfare system have been shown to have higher than normal cortisol levels. Higher cortisol levels are harmful to cognitive processes, subdue immune and inflammatory reactions, or heighten the risk for affective disorders (Bruce, Fisher, Pears & Levine, 2009).

Institutions that restrict the self-determination and agency of children and youth with histories of trauma, such as group homes, custody settings and in-patient treatment centers, by their very nature exacerbates the impact of trauma on the brain. Studies show that youth in these settings experience increased electrical brain activity, decreased brain metabolism, and poorer connections between the areas of the brain that are key to processing complex information (NSCDC, 2012). Without intentional and comprehensive plans aims at ensuring the non-re-traumatization of youth in institutional settings, young people will continue to have abnormal adrenaline patterns years after being discharged.

## Appendix B

Amendments to the *Criminal Code* regarding Administrative Offences that went into effect June 21st 2019.

### Changes to Release Conditions

s.493.1

“In making a decision under this Part, a peace officer, justice or judge shall give primary consideration to the **release** of the accused at the **earliest reasonable opportunity** and on the **least onerous conditions** that are appropriate in the circumstances, including conditions that are **reasonably practicable** for the accused to **comply with...**”

The legislation also requires decision makers to give particular considerations to the role that systemic racism and discrimination can play in making release decisions:

s.493.2

“In making a decision..., a peace officer, justice or judge shall give particular attention to the circumstances of

**(a)** Aboriginal accused; and

**(b)** accused who belong to a vulnerable population that is overrepresented in the criminal justice system and that is disadvantaged in obtaining release...”

#### Proceedings Respecting Failure to Comply with Release Conditions

If the accused does not comply with one or more of the release conditions:

##### *Appearance notice for judicial referral hearing*

S.496 If a peace officer has reasonable grounds to believe that a person has failed to comply with a summons, appearance notice, undertaking or release order or to attend court as required and that the failure did not cause a victim physical or emotional harm, property damage or economic loss, the peace officer may, **without laying a charge**, issue an appearance notice to the person to appear at a judicial referral hearing under section 523.1.

##### **Judicial referral hearing**

**523.1 (1)** When an accused appears before a justice in any of the circumstances described in subsection (2), the justice shall

**(a)** if the accused was released from custody under an order made under subsection 522(3) by a judge of the superior court of criminal jurisdiction of any province, order that the accused appear before a judge of that court so that the judge may hear the matter; or

**(b)** in any other case, hear the matter.

##### **Circumstances**

**(2)** The circumstances referred to in subsection (1) are the following:

**(a)** an appearance notice has been issued to the accused for failing to comply with a summons, appearance notice, undertaking or release order or to attend court as required and the prosecutor seeks a decision under this section; or

**(b)** a charge has been laid against the accused for the contravention referred to in paragraph (a) and the prosecutor seeks a decision under this section.

##### **Powers — Judge or Justice**

**(3)** If the judge or justice who hears the matter is satisfied that the accused failed to comply with a summons, appearance notice, undertaking or release order or to attend court as required and that the **failure did not cause a victim physical or emotional harm, property damage or**

**economic loss**, the judge or justice shall review any conditions of release that have been imposed on the accused and may, as the case may be,

**(a) take no action;**

**(b) cancel any other summons, appearance notice, undertaking or release order in respect of the accused** and, as the case may be,

**(i) make a release order** under section 515, or

**(ii)** if the prosecutor shows cause why the detention of the accused in custody is justified under subsection 515(10), make an order that the accused be detained in custody until the accused is dealt with according to law and if so detained, the judge or justice shall include in the record a statement of the judge's or justice's reasons for making the order; or

**(c)** remand the accused to custody for the purposes of the *Identification of Criminals Act*.

#### **Dismissal of charge**

**(4)** If a charge has been laid against the accused for the failure referred to in paragraph (2)(a) and the judge or justice, as the case may be, makes a decision under subsection (3), the judge or justice shall also **dismiss that charge**.

#### **No information or indictment**

**(5)** If the judge or justice makes a decision under subsection (3), no information may be laid nor indictment be preferred against the accused for the failure referred to in paragraph (2)(a).

#### Youth Criminal Justice Act Changes

Amendments to the *Youth Criminal Justice Act* incorporate these types of judicial hearings into youth proceedings.

**361 The *Youth Criminal Justice Act* is amended by adding the following after section 4:**

#### **Certain offences — extrajudicial measures deemed adequate**

**4.1 (1)** Extrajudicial measures are **presumed to be adequate** to hold a young person accountable for a failure or refusal referred to in section 137 and for a failure referred to in section 496 of the *Criminal Code* unless

**(a)** the young person has a **history of repetitive failures or refusals**; or

**(b)** the young person's **failure or refusal caused harm, or a risk of harm, to the safety of the public.**

#### **Certain offences — various measures**

**(2)** In the cases referred to in paragraphs (1)(a) and (b),

**(a)** extrajudicial measures should be used if they are adequate to hold the young person accountable for the failure or refusal; and

**(b)** if the use of extrajudicial measures would not be adequate under paragraph (a), but issuing an appearance notice under section 496 (judicial referral hearing) of the *Criminal Code* or making an application for review of the youth sentence referred to in section 59(1) as an alternative to proceeding by charge would be adequate, then the applicable alternative should be used.

**362 Subsection 6(1) of the Act is replaced by the following:**

#### **Warnings, cautions and referrals**

**6 (1)** A police officer **shall**, before starting judicial proceedings or taking any other measures under this Act against a young person alleged to have committed an offence, **consider whether it would be sufficient**, having regard to the principles set out in sections 4 and 4.1, to take **no further action, warn the young person, administer a caution**, if a program has been established under section 7, **or, with the consent** of the young person, **refer** the young person to a **program or agency in the community** that may assist the young person not to commit offences.

## APPENDIX 4

### Best Practices to be Incorporated into Youth Peer Mentorship Programs

Area	Learnings	Best Practices
<p>Re-traumatization of work</p>	<p>We have learned that both the sharing of our stories as well as talking to others about their stories can re-traumatize.</p> <p>Being consulted by organizations about our stories then dealing with the agencies who push back on the youth peer mentor program with policy and procedure is frustrating and re-traumatizing, as well as de-valuing. Often stories are shared, and we feel that we have made progress and are understood yet nothing changes at the level of practice.</p>	<p>Have available mentors to debrief, as well as outside support/counselling separate from the funding organization (e.g. John Howard).</p> <ul style="list-style-type: none"> <li>- This could be through aftercare (OACAS) or under 21 through your agency, or through employer (e.g. John Howard sets up outside counselling sessions).</li> </ul> <p>Rosie Reid works with Loyalist students through these issues and may have material or insights.</p> <p>Importance of having decision makers who are community players and supportive of our work advocate on our behalf at a system level (e.g. Justice Deluzio).</p>
<p>Lived Experience</p>	<p>An important aspect of this work is the ability of YPM to share their stories, perceptions, and experiences.</p> <p>Youth Mentees connect better with YPMs who have relatable experiences therefore allowing them to re-engage in the community.</p>	<p>We have learned you can advocate without sharing details of your story. There are some areas that require building trust, and as YPM it's important to reflect on what you are comfortable sharing and what pieces are kept private.</p> <p>We have identified some areas that are impactful, such as;</p> <ul style="list-style-type: none"> <li>- Number of places lived</li> <li>- Age into care</li> <li>- Parental negligence</li> </ul>

	<p>We have started to question what happens if a YPM chooses not to share personal stories, how will this impact the work and relationships both with youth and agencies.</p> <p>At larger meetings (e.g. CORE group) YPM are required or share personal details while others at the table participate from a “professional” lens.</p> <p>YPM will be at different stages In ability to share their stories. Modelling how to share without being too personal will be important.</p>	<ul style="list-style-type: none"> <li>- Number of schools attended</li> <li>- Reasons why youth were charged in care</li> <li>- Rules of group homes</li> <li>- How you were talked to in schools</li> <li>- Conditioned to deficit mindset and importance of being strength based (impactful moments where someone saw our strengths)</li> <li>- Number of youth in group homes not in jurisdiction</li> </ul> <p>These areas have proven impactful and are things that can be discussed in a more generic method to avoid the sense of “this is who I am”.</p> <p>Discussion on boundaries are important</p>
<p>Training</p>	<p>Training before starting any peer mentorship is vital.</p> <p>The following training is seen as beneficial:</p> <ul style="list-style-type: none"> <li>- SafeTalk</li> <li>- De-escalation and crisis prevention</li> <li>- Trauma Informed</li> <li>- Diversity and Cultural Competency training</li> <li>- PLAR practitioner</li> </ul> <p>Orientation on policy and procedure for lead agency is vital at the start of contract.</p> <p>Need to identify a framework for onboarding new YPM.</p>	<p>Lived experience helps provide broader context for applying best practices to our training. YPM unique lived experience and world views provide great opportunity to incorporate and integrate concepts from all training.</p> <p>Orientation session for YPM.</p> <ul style="list-style-type: none"> <li>- Policies and procedures for YPM</li> <li>- Policies and procedures for JHS</li> <li>- Best practices and framework</li> <li>- PLAR practitioner role</li> <li>- PLAR group portfolio</li> </ul> <p>Development of a hiring/orientation package and process.</p>

<p>Supervision</p>	<p>We work best with ongoing, available, consistent professional mentorship/supervision by a program supervisor/staff who is up to date on what we are doing.</p> <p>As YPM we regularly work with youth or agencies and run into issues where we require feedback and follow up, or guidance. Regular face-to-face meetings are important.</p> <p>Often working with agency staff can seem daunting and intimidating, or like an authority/power struggle. Having the presence of a supervisor who can help address issues and provide guidance for next steps is important for the “do no harm” model.</p> <p>YPM will enter the program from different places and occupational experiences and will need assistance with transitioning to an office environment. This can also create challenges to program validation and YPM taken seriously.</p>	<p>Supervision available during the hours of YPM work, including emergency contact. Someone should be available.</p> <p>Adult Ally attends meetings as support team with YPM. YPM should not be meeting with service providers involved with mentees by themselves.</p> <p>Orientation to office procedures (phone calls, emails, meeting preparation and facilitation) are important aspects of YPM work that require mentoring and feedback.</p>
<p>Reconnecting as a group</p>	<p>We have learned that coming together as a team allows for reflection, follow-up, problem solving an adjusting is imerative to our work. It helps to establish priorities, work around YPM unique schedules, and debrief on challenges and progress.</p> <p>The cycle seems to include:</p> <ul style="list-style-type: none"> <li>- Planning</li> </ul>	<p>Schedule weekly meetings to have all team players present if possible, including project facilitator (if there is one),YPM, and program supervisor.</p> <p>Develop shared work plans.</p> <p>Updating executive director of progress and ask questions.</p>

	<ul style="list-style-type: none"> <li>- Trouble shooting</li> <li>- Debriefing</li> <li>- Follow-Up</li> <li>- Adjusting</li> <li>- Repeat</li> </ul>	<p>Transparency in roles and responsibilities of everyone involved is important to ensure effective communication.</p>
<p>Residential homes</p>	<p>We have learned that the same challenges and barriers that existed for us continue to exist. When we work with group home staff we feel the stigma of our story impacts our professional capacity to work effectively with both the staff and mentee.</p> <p>We have also learned that communication needs to be direct and not leave any gray area for misinterpretation.</p> <p>We have learned that visits with mentees are more beneficial outside the group home to be re-engage or engage with the community</p> <p>There is a lack of trust by staff in our processes, program, goals, and professional competency.</p> <p>There is a lack of social/recreational programming for youth in residential and group homes which we have seen impact education.</p> <p>We rarely have private and confidential space to meet with mentees when we are at group homes.</p> <p>We found our practice easily slipped into a case management approach. Boundaries around</p>	<p>Advocacy or support by lead agencies including CAS regarding the importance of our work would help make progress with relationships with group home staff and supervisors.</p> <p>Supervision/support when dealing with staff or service providers is helpful.</p> <p>YPM should focus on planning activities in the community to strengthen our relationship and interactions with mentees.</p> <p>YPM can find or develop and include more social/recreational opportunities for youth In the community.</p>



	purpose and roles should be addressed.	
Working with agencies	<p>It is important but challenging to share the purpose and function of the work that we do with community partners.</p> <p>This has impacted our ability to receive referrals for mentees and support for our project.</p> <p>We are more effective and educated as a program when we have community agencies actively on board and sharing information.</p> <p>Our planning is most effective when consistent representation is available at the table or for YPM to access information, support and resources.</p>	<p>Consistent representation at the table, or alternatively, a consistent point of contact with a representative at each agency.</p> <p>Communication materials developed for contact to share with others at agencies.</p> <p>Commitment by agencies to connect us with all eligible youth and help us navigate any policies and procedures on their end.</p>
Authentic engagement	<p>We recognize that youth are most appreciative and receptive when we engage them authentically and respectfully, showing appreciation for their strength and validating their trauma.</p> <p>-</p> <p>It is important to value the person instead of just the story.</p>	<p>For us, authentic engagement – with a strengths-based focus includes:</p> <ul style="list-style-type: none"> <li>- Consent to share information</li> <li>- Acknowledging that they have shared their story and thanking them</li> <li>- Acknowledging mentee vulnerability</li> <li>- Recognizing the value of agencies practising these methods that foster authentic engagement.</li> </ul> <p>Value each individual mentor and mentee.</p>

APPENDIX 5

History of Residential Review Standards and Guidelines

Theme	Year of Publication	Author	Standards/Guidelines/Recommendations
<b>Staff Hiring/Training</b>	1978	Ministry of Community and Social Services: Children’s Services Division	<p>“The competency-based approach to job requirements specifies what a person must be able to do in order to perform a job adequately as opposed to the more common practice of basing qualifications on education, professional certification and work experience.” (pp. 170)</p> <p>The core competencies include:</p> <ul style="list-style-type: none"> <li>-“Provide basic daily care</li> <li>-Provide health care and ensure safety</li> <li>-Communicate and form relationships with child</li> <li>-Manage child’s behaviour</li> <li>-Work with groups of children</li> <li>-Set individual plan of care for child</li> <li>-Observe, record and present data on child</li> <li>-Work as a member of a team</li> <li>-Work in and with communities</li> <li>-Develop professional competencies</li> <li>-Follow administrative procedures” (pp.175-180)</li> </ul>
	1980	Ministry of Community and Social Services: Children’s Services Division	<p>“Repeatedly, questions were raised as to whether the particular competency guidelines proposed in the paper should become standards in the future, whether they should be used as entry-level or hiring qualifications, or whether they should be used primarily for the purpose of in-service training.” (pp. 153)</p> <p>“The need for staff training standards was also supported. Comments were made, however, that the proposed standards were too rigid, and included too many documentation requirements.” (pp. 153)</p>
	1990	Ministry of Community and Social Services & Ministry of Correctional Services	<p>“Staff enter child and youth work with varying degrees of knowledge of child development, social learning theory, behaviour management theory and practice, sociology, psychology, and program planning.” (pp. 48)</p> <p>Recommendations:</p> <p>“All agency boards/operators ensure new staff are involved in a process of comprehensive orientation to</p>

			residence and ministry policy regarding ethics, codes of conduct, disciplinary procedures, complaints procedures, and reporting of abuse.” (pp. 50)
1990	Canadian Child Welfare Association		<p>“To meet the needs of ‘hard to serve’ youth, training must be developed in conjunction with program implementation. Staff should be trained to assist young people in aggression control, protection from abuse and self-harm, and development of social skills.” (pp. 10)</p> <p>Recommendations:</p> <ul style="list-style-type: none"> <li>- Develop a competency-based package for training reflecting the provincial act and regional and cultural differences</li> <li>- Continue to provide ongoing, consistent training for experienced staff” (pp. 10)</li> </ul>
2007	Office of Child & Family Service Advocacy		<p>Recommendation:</p> <p>“That the qualifications, training, supervision and payment of staff in outside paid group care be reviewed with the goal of achieving parity with equivalent front line care providers. This will enhance the recruitment and retention of qualified and skilled care providers to manage children with challenging needs.” (pp. 7)</p>
2016	Ministry of Children and Youth Services		<p>Recommendations:</p> <p>“A requirement for pre-service credentials be introduced whereby all front line staff in residential care must have completed at minimum a college level diploma in a human service discipline. The requirements for these credentials encompass any person engaged in paid employment activity focused on children and youth in residential services at any level, excluding any person employed solely for functions that do not involve interactions with residents...” (pp. 15)</p> <ul style="list-style-type: none"> <li>- “Current staff members in residential settings have up to five years to meet this requirement.</li> <li>- MCYS move towards establishing child and youth care practice as the required credential for residential work over the of the next ten years.</li> <li>- Pre-service credential requirements apply to full-time, part-time, and designated one-to-one staff in group care as well as to workers assigned to foster homes or family-based care.</li> <li>- Modified requirements are to be developed for Aboriginal people taking into account local resources and</li> </ul>

			contexts in partnership with First Nations, Inuit and Metis communities.” (pp. 15-16)
	2016	Ministry of Child and Youth Services	<p>Recommendations:</p> <p>“A two-week new worker training program be developed for all front-line residential service positions based on core competencies including life-space interventions, strength-based relational practice, ethical decision making and the unique context of Aboriginal, LGBTQ2S, Black youth and other groups.” (pp. 16)</p> <ul style="list-style-type: none"> <li>- The New Worker training should be developed through partnership between the child and youth care academic sector and the residential services field.</li> <li>- The New Worker training is to subsume existing mandatory training for residential front-line staff including in particular crisis prevention and intervention training.” (pp. 16)</li> </ul>
	2017	Ministry of Child and Youth Services	<p>“For the first time in the province, we will define quality of care in regulation. We will set minimum expectations related to quality of care, and monitor compliance. Our framework for quality of care, including the development of regulations, will be based directly on the work of the Residential Services Youth Panel and the quality of care domains they developed.” (pp. 12)</p> <p>“Therefore, we will develop an action plan that will explore:</p> <ul style="list-style-type: none"> <li>- Establishing minimum postsecondary education requirements and pre-service qualifications for the sector. Working with the Ministry of Advanced Education and Skills Development, we will review the existing college program standards to reflect the learning outcomes required to work in this field today and in the future.</li> <li>- Introducing in-service training and professional development to build and maintain a confident, resilient and highly qualified workforce.</li> <li>- Recruiting and retaining qualified and diverse employees, including in rural and remote areas and in northern Ontario, to strengthen the capacity of the child and youth residential services workforce.” (pp. 17)</li> </ul>
<b>Use of Restraints</b>	1978	Ministry of Community and Social Services:	“Reasonable restraint of children causing harm to themselves or others – this would include reasonable use of force by staff to protect themselves from assaults by children.” (pp. 122)

		Children's Services Division	
1980		Ministry of Community and Social Services: Children's Services Division	"There is a wide spectrum of possible adult responses to the unacceptable behaviour of a child, from a simple expression of disapproval to actual physical restraint. No method of control that does not have the desired result of replacing the child's unacceptable behaviour with a suitable alternative should continue to be used." (pp. 120)
1990		Ministry of Community and Social Services & Ministry of Correctional Services	<p>"All service providers, and virtually all children, seemed to be clear that corporal punishment is not allowed in residential settings. Most residences also had written policies and procedures defining practices that staff were not allowed to use on children. The review team found, however, that:</p> <ul style="list-style-type: none"> <li>- Definitions of unacceptable practice varied from facility to facility.</li> <li>- Residences did not place much emphasis on explaining to staff what acceptable intervention alternatives might be." (pp. 26)</li> </ul> <p>Recommendations:  "MCSS define the terms 'intrusive procedures' and 'harsh and degrading measures', and set standards for practice and external monitoring." (pp. 28)</p>
1990		Canadian Child Welfare Association	<p>Recommendations:</p> <ul style="list-style-type: none"> <li>- "Generate and research non-intrusive strategies in volatile situations</li> <li>- Conferences should have workshops that focus on non-intrusive strategies/non-violent intervention</li> <li>- Teach non-intrusive strategies/non-violent crisis intervention</li> <li>- Provide safe and practical training with regard to physical restraints (when, where, how)" (pp. 11)</li> </ul>
2007		Ontario Child & Family Service Advocacy	<p>Recommendations:</p> <ul style="list-style-type: none"> <li>- "That child welfare agencies ensure social workers closely monitor the use of all behaviour management strategies in residential settings which includes physical restraints, locked rooms, the removal of possessions, and personal and room searches</li> <li>- That child welfare agencies ensure that social workers intervene actively in circumstances of inappropriate or harsh treatment on behalf of young people to ensure</li> </ul>

			their safety and to alleviate the young person’s distress or fears.” (pp. 7)
<b>Youth Voice &amp; Advocacy</b>	1978	Ministry of community and Social Services: Children’s Services Division	<p>“Every child has a right to have his or her opinions heard and to be included when any decisions are being made affecting his or her life.” (pp. 39)</p> <p>“Each children’s residence should also institute a grievance procedure to provide an internal mechanism for a child to voice program concerns.” (pp. 39)</p> <p>“It is also proposed that, wherever possible, every child, regardless of age, be included in the negotiation of the placement agreement and the treatment plan.” (pp. 40)</p>
	1980	Ministry of Community and Social Services: Children’s Services Division	<p>“The original proposal was conceived as a method of implementing a child’s right to be heard. Although the requirement for a formal grievance procedure has been deleted from the final standards, the Ministry continues to encourage the provision of some such mechanism for children who wish to express their opinions.” (pp. 129)</p> <p>“Many children’s residences currently use an approach to in-house conflict resolution that incorporates the proposed features. These features are:</p> <ol style="list-style-type: none"> <li>1. Regular, frequent opportunities for children to voice concerns or complaints about matters within the residence that affect them.</li> <li>2. A more formal internal review mechanism</li> <li>3. Access to a ‘third’ person outside of the program</li> <li>4. Provision to residents of clear information about the complaints procedure</li> </ol> <p>Those complaints concerning matters that the residence director believes qualify as serious occurrences...should be documented and reported as such.” (pp. 47)</p>
	1980	Ministry of Community and Social Services: Children’s Services Division	<p>“Extensive reliance has been placed upon measures designed to enable the child to be heard. These reviews are both meaningful and accessible to children and have included such innovations as appointment of a specific primary worker for each child in residential care, internal complaint procedures that ensure that most concerns are resolved within the program itself and the introduction of the case manager. This last concept has been the most important innovation from an advocacy</p>

		<b>Consultation Paper</b>	standpoint, ensuring that there is always someone to speak up for the child.” (pp. 64)
1984	Child and Family Services Act		<p>“The Minister may establish an Office of Child and Family Service Advocacy to,</p> <ul style="list-style-type: none"> <li>(a) Co-ordinate and administer a system of advocacy, except for advocacy before a court, on behalf of children and families who receive or seek approved services or services purchased by approved agencies;</li> <li>(b) Advise the Minister on matters and issues concerning the interests of those children and families; and</li> <li>(c) Perform any similar functions given to it by this act or the regulations or another act or the regulations made under another act.” (pp. 680)</li> </ul>
1984	Child and Family Services Act		<p>“A child in care has a right to be consulted and to express his or her views, to the extent that is practical given the child’s level of understanding, whenever significant decisions concerning the child are made, including decisions with respect to medical treatment, education and religion and decisions with respect to the child’s discharge from the placement or transfer to another residential placement.” (pp. 683)</p>
1990	Ministry of Community and Social Services & Ministry of Correctional Services		<p>“The review team found general agreement that some type of child advocacy function is needed in this province. However, young people and staff in residential settings are uninformed and/or confused about the Advocacy Office, even though it has been in place for five years, residents are required to be informed of its existence, and it is advertised on posters sent out to every residence.” (pp. 87)</p> <p>Recommendations:  “MCSS enhance the staffing, visibility and accessibility of the Office of Child Advocacy, and require that it produce an annual report on trends and issues.” (pp. 87)</p>
2007	Ontario Child & Family Service Advocacy		<p>Recommendations:  - “That the government of Ontario and children’s aid societies offer young people routine opportunities to voice their opinions as experts of their ‘lived experience’ in care</p>

			- That the government of Ontario and children’s aid societies translate the voice and experience of young people into meaningful action that resonates across all levels of decision making, policy and practice.” (pp. 9)
	2017	Ministry of Child and Youth Services	- “Develop a Rights Resource for all children and youth to help them understand and exercise their rights. - Develop mechanisms for child and youth feedback and complaints regarding their service experience (for example, youth councils). - Develop a mechanism to enable the ministry to continue to hear the voices of youth with lived experience of residential services at a provincial level.” (pp. 12)
<b>Accountability</b>	1978	Ministry of Community and Social Services: Children’s Services Division	“The implementation of certain children’s rights concepts is one way of holding service deliverers accountable for the care of children within the children’s services delivery system.” (pp. 26)  “All providers must be held continually accountable for their performance, planning and expenditures to ensure the effective and efficient allocation of resources.” (pp. 47)
	1980	Ministry of Community and Social Services: Children’s Services Division	“Further, it is essential that a single person be identified as having clear authority over and responsibility for the day-to-day operations of a residence. Without such a requirement, as is the current situation, there is sometimes confusion as to who holds this responsibility, with the result that no one is accountable.” (pp. 59)
	1990	Ministry of Community and Social Services & Ministry of Correctional Services	“It is generally agreed that, in theory, the government and the agencies manage the residential services system through a ‘partnership’, but in practice, the partnership has some flaws. These include lack of clear statements of expectations of boards from government, inadequate preparation of board members for their duties and ministry-agency working relationships that may contribute to confusion.” (pp. 19)  Recommendation: “MCSS and MCS articulate and implement a framework for the accountability to the government of agencies with boards of directors and non-board operators, and provide appropriate supports to the boards of directors and operators.” (pp. 21)



	1990	Canadian Child Welfare Association	<p>“...services supplied to children should be evaluated against established standards which are in agreement with accepted treatment and care principles. Once standards are established, a model for evaluation must be determined.” (pp. 31)</p> <p>Recommendations:</p> <ul style="list-style-type: none"> <li>- “Each province needs to establish a standardized evaluation format to result in accreditation</li> <li>- Evaluations should have an informative component and emphasize addressing improvements to service, personnel, program and results</li> <li>- Establish national standards for child care” (pp. 32)</li> </ul>
	2007	Ontario Child & Family Service Advocacy	<p>Recommendations:</p> <ul style="list-style-type: none"> <li>- “That the government, civil society and care providers recognize and fulfill their special responsibility as prudent parents to children in state care and embrace these children as their sons and daughters</li> <li>- That the government of Ontario interrupt the jurisdictional wrangling among child welfare agencies, residential service providers, and government officials with regards to the locus of responsibility for the care and wellbeing of children in residential care.</li> <li>- That the government of Ontario establish a regulatory body to develop and enforce standards of care for all residential settings that serve children and youth, with special attention to quality assurance.” (pp. 6)</li> </ul>
	2016	Ministry of Child and Youth Services	<p>Recommendations:</p> <p>“The Ministry create one unified, integrated governance structure within the Ministry (a Quality of Residential Care Branch/Division) to provide systemic oversight and accountability for all residential services through mechanisms that have at their core, the foundation and elevation of quality of care. The new structure is envisioned to have four core components: Quality Inspectorate; Data Analytics Reporting Unit; Continuity of Care Unit; and, an Advisory Council.” (pp. 13)</p> <ul style="list-style-type: none"> <li>- “A Quality Inspectorate, replacing the current licencing function, which the Panel heard overwhelmingly is inadequate and does not assess quality of care. The new Quality Inspectorate would be comprised of inspectors whose responsibility it would be to licence and inspect all residential service providers in accordance with</li> </ul>

			<p>quality performance indicators recommended by the Panel and as may be developed by the Ministry.” (pp. 13)</p> <ul style="list-style-type: none"> <li>- “A Data Analytics and Reporting Unit that would be the central repository and data analytics unit for all sources of data and information relative to residential services...” (pp. 13)</li> <li>- “A Continuity of Care Unit, staffed by Reviewers whose responsibility it would be to monitor placement changes and trajectories of children and youth in residential services.” (pp. 13)</li> <li>- “An Advisory council to provide access to clinical expertise and lived experience (children and youth, families, caregivers including foster parents and front line workers).” (pp. 14)</li> </ul>
	2017	Ministry of Child and Youth Services	<p>“To immediately support the safety and health of children and youth in residential care we are:</p> <ul style="list-style-type: none"> <li>- Increasing the number of unannounced inspections of licensed residences.</li> <li>- Establishing Intensive Site Review Teams to conduct enhanced inspections of licensed residences, including interviews with staff and youth, and case file and program reviews.</li> </ul> <p>In addition, we are improving oversight by:</p> <ul style="list-style-type: none"> <li>- Implementing the new authority for the Minister of Children and Youth Services to appoint inspectors to conduct announced and unannounced inspections to improve oversight and monitor the safety of children and youth.</li> <li>- Developing approaches to support better monitoring and tracking of the placement and movement of children and youth.” (pp. 11)</li> </ul>
<b>Case Management &amp; Interventions</b>	1978	Ministry of Community and Social Services: Children’s Services Division	<p>“In programs involving three or more full-time direct care workers there is a need to designate one prime worker for each child to avoid an excessive diffusion of responsibility that could lead to inadequate attention being given to a particular child. In large programs the prime worker provides a consistent anchor point for the child and a checkpoint through whom all persons and plans affecting the child are co-ordinated.” (pp. 132)</p>
	1980	Ministry of Community and Social	<p>“Because of the extremely mixed response, the assignment of a single prime worker will not be mandatory for all residential facilities.” (pp. 126)</p>

		Services: Children's Services Division	
	1990	Canadian Child Welfare Association	Recommendations: - "Clients are people, not disturbed objects, and service should reflect this. Clients should receive what they need. Clients should be involved in their plans, help set their own goals, and sit on boards of service providing organizations. - Multidisciplinary team efforts need to be 'user friendly' and best meet clients' needs - Service organizations must continually adapt to meet the needs of those they serve" (pp. 34)
	2017	Ministry of Child and Youth Services	"Working with our sector partners, we will develop a provincial approach to the planning and delivery of services. This approach will be guided by the principle of prevention and focused on making sure that the right services are available to children and youth at the right time and as close to their home community as possible. As part of this work, we will examine current and emerging trends such as bed capacity, patterns of service provision, and program access and availability. Residential services will also be examined to address equitable distribution and to support children and youth to remain in their home communities, particularly for First Nations, Metis, and Inuit children and youth." (pp. 15)
<b>Prevention/Family Support</b>	1979	National Council of Welfare	"More time, effort and money must be devoted to preventive and supplementary services in order to balance the current preoccupation with substitute care that, more often than not, treats only the effects – but not the causes – of family crisis." (pp. 25)
	1980	Ministry of Community and Social Services: Children's Services Division  <b>Consultation paper</b>	"In the case of family support, it was recognized that by offering minor assistance to a family in need, when that need was in the process of development rather than having manifested itself as a crisis, more significant subsequent problems might be avoided." (pp. 69)  "The basic elements of the current family support approach use special funding and a range of individualized programs, under the guidance and control of local agencies." (pp. 69)

	1984	Child and Family Services Act	“The functions of a children’s aid society are to,...Provide guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children.” (pp. 604)
	1990	Canadian Child Welfare Association	Recommendations: <ul style="list-style-type: none"> <li>- “Encourage cultural systems to create parallel systems to help families</li> <li>- Assist in the provision of more preventative services which empower parents to provide support and education i.e. groups</li> <li>- Be sensitive to a family’s readiness and capacity to change in order to no disempower the child/family resulting in multiple placements</li> <li>- Provide more time, effort and resources for follow-up services to families” (pp. 24-25)</li> <li>- “Redirect the investment of funds from the curative to the preventive programming resulting in preventing residential placements and focusing on support services in the home setting” (pp. 33)</li> </ul>
	2017	Ministry of Child and Youth Services	“Services must also engage and respond to the needs of the families, as appropriate, in recognition that family involvement is an important influence on a child’s or youth’s outcomes. As services are provided, consideration must be given to the needs of the entire family. This builds the capacity of the family to support the needs of the child and prevent placement into residential services, where possible, or maintain the gains made when the child or youth returns to living with the family following a placement.” (pp. 25)
<b>Culturally Sensitive Programming</b>	1978	Ministry of Community and Social Services: Children’s Services Division	“Ontario’s cultural diversity is to be valued and those groups who want to preserve their cultural or religious identity should be supported. Thus, programs may be established and offered in which essential components are a particular religious faith or culture.” (pp. 28)
	1980	Ministry of Community and Social Services: Children’s Services Division	“The consultation paper noted the dilemma caused by the desire both to ensure non-discriminatory admission policies for residential facilities and to protect special programming for religious or ethnic groups. Many submissions, while sympathetic to this dilemma, indicated strong support for the preservation of programming for religious or ethnic groups.” (pp. 39)

			Final standard: "No child shall be refused admission to the program solely on the grounds of race, religion or ethnic origin where, on the basis of objective evidence made available to the operator, such refusal would result in deprivation of service." (pp. 91)
1984	Child and Family Services Act		"The society having care of a child shall choose a residential placement for the child that,... (c) where possible, respects the child's linguistic and cultural heritage; (d) where the child is Indian or a native person, is with a member of the child's extended family, a member of the child's band or native community or another Indian or native family, if possible." (pp. 646)
1990	Ministry of Community and Social Services & Ministry of Correctional Services		"The need for culturally appropriate services to native children is acknowledged in both ministries. Principles of the CFSA stress the importance of providing services to Indian and native people in a manner that recognizes their culture, heritage, traditions, and concept of the extended family." (pp. 33)  "MCSS has encouraged the development of native child and family service agencies. Both have engaged in: - Hiring of native persons to work on and off reserves - Consultation with native representatives where native young people are involved in programs - Planning for programs to meet the needs of native young people." (pp. 33)
1990	Canadian Child Welfare Association		"...to understand the issues of a native child in the care of the state, there must be an understanding of the history of services to native youth. Residential schools and the 'Scoop Program' of the sixties were well meant but exasperated the whole situation. They forced native children to deal with a whole set of 'new' issues and imposed the moral and cultural values of the mainstream population on them. This created lost generations without roots and robbed them of their rightful future." (pp. 37)  Recommendations: - "Funding is required for native organizations to provide preventative services for natives..."

			<ul style="list-style-type: none"> <li>- All provincial and territorial governments should be directed to order the sharing of case management in all cases involving natives with the locally appropriate native child welfare organizations</li> <li>- Native organizations must be involved in all levels of policy development and implementation</li> <li>- Recognize that traditional child care interventions are not appropriate for all cultures and that non-traditional methods should be required and implemented” (pp. 37)</li> <li>- “Have culturally appropriate programming activities that mirror native values and traditions</li> <li>- Work towards designing tests that are culturally sensitive</li> <li>- Develop programs to be taught in the first language of choice</li> <li>- Develop group care programs that respect the culture and values of the community” (pp. 39)</li> </ul>
2016	Ministry of Child and Youth Services	<p>Recommendations:</p> <ul style="list-style-type: none"> <li>- “A separate process with Aboriginal peoples be conducted, consistent with principles of self-determination, to determine the best options for supporting Aboriginal children and youth requiring out-of-home services. The scope and mandate should be developed in partnership with Aboriginal service providers and communities.</li> <li>- MCYS establish an advisory committee to enhance cultural competence of all residential services in relation to the diverse identities and developmental contexts of young people. <ul style="list-style-type: none"> <li>a. All cultural competence initiatives must unfold in partnership with young people.</li> <li>b. Mechanisms must be developed to ensure visible progress in this area.</li> </ul> </li> <li>- The Ministry mandate residential service providers to clearly articulate the cultural, gender, racial, and other identity rights of young people.” (pp. 17)</li> </ul>	
2017	Ministry of Child and Youth Services	<ul style="list-style-type: none"> <li>- “Review licensing requirements through a culturally appropriate lens to support the use of customary care.</li> <li>- Explore how to better support Indigenous service providers, including examining service delivery approaches that focus on prevention, consistent with the Ontario Indigenous Child and Youth Strategy.</li> <li>- Engage with stakeholders to develop a renewed approach to inclusion, as well as recognizing the unique</li> </ul>	

			needs of various groups including lesbian, gay, bisexual, transgender, queer, or two-spirited children and youth. - Implement A Better Way Forward: Ontario's 3-Year Anti-Racism Strategic Plan and the Ontario Black Youth Action Plan to improve the experiences of Black, Indigenous and racialized children and youth in residential care and work to reduce their over-representation in the child welfare system." (pp. 12)
<b>Youth Justice</b>	1978	Ministry of Community and Social Services: Children's Services Division	"All efforts should be made by persons working on the child's behalf to minimize the length of stay in secure care, and move the child to a less controlled environment as soon as the child is reasonably able to cope with that greater degree of freedom. At no time should a child languish in secure care." (pp. 157)
	1980	Ministry of Community and Social Services: Children's Services Division	"It is agreed that some children will require the security of a closed environment. As the consultation paper stated, however, 'while secure care may provide an opportunity to stabilize and assist the child in developing internal controls, it is a powerful control instrument with considerable potential for abuse in the name of 'the best interests of the child'.'" (pp. 151)  Final standard: "Any program that provides a closed environment by locking the external doors of the residence or reserves the option of locking the residence from time to time as required shall be approved as a locked or lockable secure care program by the Ministry." (pp. 152)
	1990	Ministry of Community and Social Services & Ministry of Correctional Services	"When the YOA (Young Offenders Act) made 17 the uniform maximum age across the country for being dealt with as a young offender, the government of Ontario decided to create a split in jurisdiction over young offenders. MCSS retained responsibility for youth aged 12 to 15 (known as 'Phase I') and MCS (Ministry of Correctional Services) for youth aged 16 and 17 ('Phase II')." (pp. 54)  Recommendations: "The government review its decision regarding the split jurisdiction over young offenders under the YOA, with a view to consolidating responsibility under one Ministry, and in the interim other YOA-related recommendations be implemented." (pp. 58)

			<p>“MCSS develop a standard training package to be mandatory for new staff in Phase I YOA secure facilities that balances the dual purposes of the YOA, ‘care’ and ‘custody’.” (pp. 59)</p>
1990	Canadian Child Welfare Association		<p>“...Many children can be labelled as disordered when actually, they are representative of a large portion of the teenage group whose symptoms are a response to dysfunctional situations. The manner in which symptoms are diagnosed is often dependent upon the care-givers’ ability to cope with the problematic behaviour.” (pp. 41)</p> <p>Recommendations:</p> <ul style="list-style-type: none"> <li>- “Enhance support systems to assist care-givers in the care for children and youth</li> <li>- Reduce and phase out institutional care in young offenders’ centres</li> <li>- Increase resources and provide them to community/street workers to enhance their effectiveness</li> <li>- Place a stronger emphasis on care plans rather than on assessments” (pp. 41)</li> </ul>
2007	Ontario Child & Family Service Advocacy		<p>Recommendations:</p> <ul style="list-style-type: none"> <li>- “That the government of Ontario, child welfare agencies, and residential service providers develop policy and practice guidelines which limit the use of police services for the purposes of behaviour management.” (pp. 8)</li> </ul>
2016	Ministry of Child and Youth Services		<p>Recommendations:</p> <ul style="list-style-type: none"> <li>- “The two separate systems of secure custody and detention (directly and transfer payment operated) be harmonized and integrated into a single system to ensure that the placement and transfer process considers the entire array of resources to meet the needs of youth, resources are maximized, training is standardized and best practices are shared and scaled up system-wide.</li> <li>- Consideration be given, where demand is demonstrated, to converting youth justice open custody residences with excess capacity to youth residences serving the full spectrum of youth justice-engaged youth requiring stable housing including: open custody youth; youth transitioning from open and secure custody requiring reintegration support; youth on probation; and</li> </ul>



			<p>youth for whom a stable residence is required to qualify for bail.</p> <p>- Standards and best practices from all operators with respect to relationship custody be documented and form the basis of training for all youth justice open and secure custody and detention staff in both transfer payment and directly operated facilities.” (pp. 16)</p>
	2017	Ministry of Child and Youth Services	<p>- “Building smaller youth justice facilities within the Greater Toronto Area to support community-based programming and enhance reintegration planning while keeping youth close to home.” (pp. 13)</p> <p>- “In the youth justice sector, we are providing more community-based services that divert youth from incarceration. Since 2003, youth justice custody admissions have declined more than 80 percent.” (pp. 18)</p>

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