

Cross-Over Youth Project Thunder Bay Pilot Site

Overview and Lessons Learned

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Thunder Bay is the largest city located in North Western Ontario. Thunder Bay is situated on Lake Superior and has a population of 107, 909. Thunder Bay is also surrounded by approximately 90 reserves and First Nation communities and therefore there is a large population of Indigenous people in and in the areas surrounding Thunder Bay.

The city is serviced by three children's aid societies, two of which are Indigenous. They are Children's Aid Society of the District of Thunder Bay, Dilico Anishinabek Family Care, and Tikinagan Child and Family Services.

The Thunder Bay area has 38 elementary schools, 3 middle schools and 8 secondary schools. These schools are operated by three school boards, the Lakehead District School Board, the Thunder Bay Catholic District School Board and the Conseil Scolaire de District Catholique des Aurores Boréales.

Thunder Bay is policed by the Thunder Bay Police Service. The force has 222 sworn officers, who police Thunder Bay's urban core and six suburban neighbourhoods, five within the municipal jurisdiction of Thunder Bay and one in the municipality of Oliver Paipoonge.

The Thunder Bay Courthouse is located at 125 Brodie Street North in Thunder Bay. The newly built court building houses the Superior Court of Justice, including small claims, family, divisional and civil court and the Ontario Court of Justice, criminal, family and youth criminal court.

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Acknowledgements

This project has shown the will and the ability for the Service Community of Thunder Bay and beyond to come together and to see the merits of feeling discomfort. Rather than seeking blame or paralyzation through guilt, individuals and agencies worked to better understand challenges and to embrace ways to better serve the children, youth, and families that are a part of us. Acknowledging these people and agencies is easy and it makes sense. For some reason though, it doesn't result in a feeling of fullness – or of “Good job! That's enough”. With this in mind (and not minimalizing the work that has been and continues to be done), it feels the greatest acknowledgment to be made is to our very youth themselves. In particular, a humble thank you for the undeserved patience they allow us as we try to find and employ solutions rather than spend too much time on why something might not or cannot happen. We should be holding ourselves and each other to high account. We endeavour to exemplify this action. It is my hope that our children and youth demand the same of us. And that in so doing, perhaps become a little less patient.

Executive Summary

The Cross-over Youth Project (COY) 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 of young people who were dually involved in the child welfare and youth justice systems in Ontario. The goals of COY 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 youth justice system, including detention, as soon as possible. The aim was to set them on a path where they would avoid graduating into the adult criminal justice system. 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 COY 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. The Thunder Bay Site was centered at the Thunder Bay Court, where steering committee meetings were also held. Thunder Bay was chosen as a pilot site particularly because of the large population on Indigenous youth that reside within the surrounding area.

The Cross-over Youth Project placed a Case Conference Facilitator (CCF) in the Thunder Bay courthouse from 2017 to 2018.

It was established early in the life of the Toronto site, that certain values and principles needed to guide the work of the Project. It was understood that the starting point to successfully meeting the needs of young people involved within multiple systems, sectors, stakeholders and service providers, was to facilitate the provision of three essential pillars of care: youth-centering, anti-oppressive practice and trauma informed practice. When introducing these concepts, it is important to acknowledge that there exists a 3-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 shift requires 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. It's only then that they can identify and sustain strategies for implementing youth centered, 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.

Case conferencing was not formally adopted at the Thunder Bay site as many of the steering committee stake holders felt as though strong collaboration was already occurring between the parties. However, what was mentioned was the need for a better system of accountable for those who do not hold up their end of the deals when collaborating.

Cross-over youth were identified through court observation by the CCF. Instances where a Children's Aid Society (CAS) worker or out of home care staff were present with the youth they were noted as cross-over youth. Similarly, if a youth was present with a foster parent or an individual referred to as a "guardian" they were noted as a cross-over youth. Using these identification tools the Project was able to gather multiple youth to conduct a focus group. The focus group was informed by a semi-structured interview guide, which incorporated the three pillars of the Cross-Over Youth Project throughout engagements. Qualitative interviews lasted approximately one and a half hours.

Between the focus group conducted with five youth and interviews done with stakeholders in the Thunder Bay area, the Cross-over Youth Project was able to identify 6 themes of the Thunder Bay Pilot site. Each theme is briefly summarized below.

TRAJECTORY FROM THE FAR NORTH TO THUNDER BAY AND BEYOND

It was clear from the observations of the Project that many of the cross-over youth in Thunder Bay did not permanently reside in the city. Many of the youth were from the regions surrounding Thunder Bay and most typically from the far north. Youth were travel to Thunder Bay for a variety of reasons including accessing services and treatment, attending educational institutions, or for other personal or community-based reasons. Many of the youth traveling into Thunder Bay were on their own without proper housing, and many ended up as unsheltered youth. Being unsheltered contributed to the trajectory of these youth into youth justice because their viability for discretion from police was mitigated without a responsible parent/ guardian to care for them. Another factor of this trajectory was the lack of treatment options available in the far north and in Thunder Bay. Many youth were sent south to locations such as Belleville and London, in order to receive the treatments they required.

OVER-REPRESENTATION OF INDIGENOUS YOUTH AND DISCRIMINATION

It is clear from the current literature that Indigenous populations are over represented in certain institutions, youth justice and child welfare being two of them. Indigenous youth make up a much higher percentage of youth in custody compared to their percentage of the total population. Through the experience of the Project it was apparent that Indigenous youth face a plethora of barriers and forms of discrimination that contribute negatively to their experiences in these systems. It is really important to understand the effects of on-going colonization and historical trauma and the ways in which they affect the lives of youth in the present. Collective trauma (also known as intergenerational or historical trauma) can be understood as the shared emotional and psychological pain of a population as a result of mass group trauma (Brave Heart, Chase, Elkins & Altschul, 2011). When working with Indigenous youth the project recognized the importance of culturally responsive programming, particularly through the operation of the Indigenous People's Court, in helping youth navigate the systems and be better supported throughout their processes.

GAPS IN CROSS-SECTORAL COORDINATION AND COLLABORATION

Throughout the duration of the Project, several gaps were identified as contributing to the trajectory of cross-over youth. These gaps occurred in different institutions that youth interacted with. One of the major gaps occurred within the court processes. Youth often felt that they were left out of conversation regarding court matters and were not getting the full range of options available to them before decisions were made. Enforcing control over and denying autonomy, both of which are detrimental to a young person's 'positive youth development' (Guerra & Bradshaw, 2008). Youth were often inclined to enter guilty pleas, because they were unaware of their rights and options as a young person. The courts also struggled to deal with matters in a timely fashion, creating another large gap for cross-over youth. Youth often had to attend court multiple times, forcing them to stay in Thunder Bay even if it wasn't their home community. This also contributed to entering into guilty pleas in order to speed up the process. Additionally, bail/probation conditions that were difficult to comply with dragged on the process as youth would receive additional administrative charges and breaches.

Some of the other gaps that were identified included transportation, accessing services, placement options, staffing and education. Limited options for affordable public transportation created difficulties in Thunder Bay, and especially those who reside outside of the city. This created a multitude of difficulties including breaches for not being able to

attend court and leaving youth unsheltered as they remained in Thunder Bay until their court processes were completed rather than returning home. In terms of accessing services there was a trend of using the youth justice system in order to gain access to needed services. Youth were led to believe pleading guilty or remaining in custody was the better option for them in order to receive education, mental health or recreation services.

Another large gap that was observed was related to staffing. There was a lack of consistency of staff working with youth. Youth did not feel connected to or supported by their workers. They were forced to constantly retell their traumatic histories, a re-traumatizing experience, to individuals they did not know well. The literature asserts the lack of continuity is problematic for youth in care, as a foundational relationship is crucial to their well-being (Gerard, McGrath, Colvin & McFarlane, 2019). High turnover rates, inexperienced staff and the high rate of burnout in the field leaves youth vulnerable to the impact of poor quality staffing.

Finally, the last large gap that was observed occurred within the education system. Collaboration between the education system and other stakeholder proved to be difficult or non-existent. School boards were reluctant to work with youth involved in child welfare or youth justice, making it challenging for youth to follow their court orders to attend school. When youth were able to register in schools the lack of communication between education and other services providers made it unclear whether youth were attending school and whether or not they were succeeding.

ISSUES WITH OUT OF HOME PLACEMENTS, CHARGES, AND CHARGING PRACTICES

A number of the youth report that they were not satisfied with the care they received from their guardians once entering the child welfare system. Their placements within group homes are extremely restrictive and rely on police involvement almost exclusively when behavioural issues arise (Bala, Finlay, De Filippis & Hunter, 2015). Throughout the Project it was recognized that the experiences of youth in group care settings aligned with the literature and contributed to the pipeline between child welfare and youth justice systems (Cross-over Youth Project, 2015). The quality of care in group care settings has been an ongoing issue. A lack of standards and the ambiguity of the existing standards allows group care institutions to develop their own policies and practices that may be neglectful to youth. The history of the standards between 1978 and 2017 are presented in a chart in Appendix A. Across this nearly forty-year time frame many concerning themes arose and persisted, leading up to consistent recommendations for change with minimal follow through.

Another problematic issue that occurred was the number of placements that youth had. 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 or out of home care itself (Ryan & Testa, 2004; Widom & Maxfield, 2001). The average number of out of home placements a youth received in Thunder Bay was fourteen, however, some youth reported over fifty placements. Additionally, due to the lack of group care settings in Thunder Bay many of these placements occurred out of their home communities and in Southern Ontario. Constantly moving youth when behavioural issues arise creates further problems and has a direct effect on the psychological development of youth. Youth are expected to adapt instantaneously to their new settings and are not given adequate support to make their transition into new living environments easier.

Additionally, youth in out of home care are overrepresented in the youth justice system. Many of these youth receive harsher punishments that involve police mitigating behaviour compared to their counterparts who live at home. The Project observed a lack of staff training in regard to de-escalating a situation with a trauma-informed lens. Often residential care staff escalated situations and relied heavily on police enforcement. Youth would then receive charges for incidents that would usually be dealt with by parental discipline. A large majority of these incidents resulted in administrative charges or breaches for these youth.

MENTAL HEALTH AND TRAUMA

Young people who are involved in the child welfare and youth justice systems 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). Mental health was a large theme throughout the Project at all sites and including Thunder Bay. Youth involved with child welfare and youth justice commonly have complex histories of trauma affecting their developmental including decision making process leading them to become involved with the justice system. As stated by Freeman (2015), "Childhood trauma can impact the whole young person, especially the way an individual thinks, feels, and interprets the world". Youth often had multiple concurrent diagnoses that have gone untreated due to a lack of available local resources.

At the Thunder Bay pilot site an important aspect of mental health and trauma comes from collective or historical trauma. Historical or intergenerational trauma is “defined as cumulative emotional and psychological wounding across generations, including the lifespan, which emanates from massive group trauma” (Brave Heart et al., 2011). The ongoing impact and legacy of colonialism and racism of Indigenous People’s is affecting the mental health of youth presently and contributing to their trauma. Mental health is viewed as holistically among Indigenous beliefs and includes elements of body mind, emotion, spirit, and environment which includes community. Therefore if a community is deemed to be suffering than the individuals within it are as well. A lack of services has allowed these issues to become exacerbated. Services are often non-existent on reserves and in the home communities of the people who require them. Youth are often sent south to receive services which focus on an individualized approach rather than healing of the entire community, allowing the issues to remain for when youth return home.

IMPACT OF A LACK OF YOUTH CENTERING

The final theme dealt with the lack of youth centering that is occurring across institutions and services working with children and youth. Youth voice is an integral part of youth centering, making sure not only that youth have the chance to speak but are heard and respected. As Gharabaghi (2019) explains, for young people, having a voice is not synonymous with having an impact. Stakeholder must be prepared to take action on what they have heard from the youth. One of the main areas where there was a lack of youth centering occurred in youth advocacy. Often staff were unable to properly support and advocate for youth in the way a parent might. Staffing issues of high turnover rates, and burnout left staff untrained and overwhelmed and unable to dedicate the same amount of tenacity a parent might for their own child. The Project observed some cases where good workers who were supportive and understanding towards their youth made extremely positive impacts on the youth and their experiences while navigating the child welfare and youth justice systems. Education was another barrier towards youth centering. Their lack of presence during collaborative meetings and their reluctance to work with and accept youth was problematic. Not being able to wrap services around all aspects of the youth’s lives increased the risk for recidivism and failure of treatment. Finally, youth friendly spaces, where youth can discuss their experiences with others and feel safe in an environment are absolutely necessary for proper youth centering. Multiple programs in the Thunder Bay area excelled in this aspect creating an environment where youth felt comfortable being and felt supported through adult allies.

In summary the themes developed from the Thunder Bay site represent the experiences of Cross-over youth in this specific region, but also align with the general literature regarding this population of youth. The Thunder Bay pilot project site was recognized for its strong collaboration between stakeholders and its dedication to the cause. Even without funding the steering committee continued to meet to discuss gaps and issues they saw arising for these youth and problem solved together. As the project is coming to a close a majority of the stakeholder expressed in their interviews that they would like to continue their meetings in order to keep the discussion going and to continue to strengthen the relationships between the key players in cross-over youth's lives.

Preamble

The Cross-over Youth Project (COY) 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 of young people who were dually involved in the child welfare and youth justice systems in Ontario. The goals of COY 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 youth justice system, including detention, as soon as possible. The aim was to set them on a path where they would avoid graduating into the adult criminal justice system. 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 COY 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. The Thunder Bay Site was centered at the Thunder Bay Court, where steering committee meetings were also held. The Cross-over Youth Project placed a Case Conference Facilitator (CCF) in the Thunder Bay courthouse from 2017 to 2018.

Background

In January 2016, the Thunder Bay Cross-over Youth Committee held its first meeting. Dr. Judy Finlay and Justice Brian Scully presented their work with cross-over youth to over forty individuals representing various agencies who work with cross-over youth. Thunder Bay was chosen as a pilot site particularly because of the large population on Indigenous youth that reside within the surrounding area.

The Thunder Bay Cross-over Youth Steering Committee established multiple goals and desired outcomes for the pilot site. These included:

- Fewer cross-over youth involved with police/ less reliance on group homes accessing first responders for behavioural concerns
- Discretion when laying criminal charges on cross-over youth
- Less onerous conditions attached to release orders and sentence orders, which result in breaches of conditions
- Fewer cross-over youth in detention facilities
- More cross-over youth in the care of appropriate family members or members of their community
- For cross-over youth who cannot be cared for by kin, there is a need for stable, functional and reliable placements
- Proactive diagnosis for cross-over youth with presenting mental health concerns
- Suitable and local treatment options for youth who present with mental health concerns, such as PTSD, historical trauma, etc.

Three notable events were hosted by the Thunder Bay COY committee:

In March 2018, a panel presentation on a Trauma Informed Justice System was coordinated in partnership with the Northwestern Ontario Women's Centre and attended by seventy-five community members. The presenters included COY Steering Committee members Kate Brindley, Defence Counsel; Rosanna Hudson, Thunder Bay Indigenous Friendship Centre Justice Coordinator; Tiffany Boisvert, Crown Attorney; and Brenda Cryderman, Creighton Youth Services.

In April 2018, Thaila Dixon-Eet, Youth Coordinator for the Provincial COY committee and Tamara Desjarlais, both cross-over youth themselves, hosted a youth advocacy workshop for cross-over youth in Thunder Bay. Eleven youth attended and had the opportunity to discuss their experiences with the child welfare and youth justice systems.

In October 2018, Noella Crowe-Salazar from the Crisis and Trauma Resource Institute lead a one-day Trauma Informed Conference on Building a Culture of Strength with an Indigenous Perspective. Over 100 individuals attended the event.

Organizational Structure and Team Composition in the Thunder Bay Site

The Steering Committee is comprised of representatives from the Ontario Court of Justice, Creighton Youth Services, Children's Aid Society, Thunder Bay Police, Ministry of Children, Community and Social Services, the Children's Centre, NAN Legal, the Indigenous Friendship Centre, Dilico Anishnabek Family Care, and First Nations Elder.

Since that inaugural meeting, thirteen Cross-Over Youth Committee meetings have been held, along with the establishment of two subcommittees, in order to address specific issues experienced by Thunder Bay cross-over youth. These subcommittees are: The Safe and Sobering Committee and The Issues and Themes Committee.

Three Essential Pillars of Practice

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

YOUTH-CENTERING

Youth centering 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 centered will help facilitate their voice and meaningful participation. A youth-centered process incorporates safety, supportive resources and capacity building to maximize the youth's agency. A prerequisite to a youth-centered approach is an understanding of anti-oppressive and trauma-informed practice. 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 centering practice. It can help explain some of the barriers youth put in place for self-protection which undermines their ability to form trusting relationships. Furthermore, youth centering 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 side lined 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 center 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 child welfare 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 child welfare 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 child welfare and youth justice system. 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.

Case Facilitation and Conferencing in Thunder Bay

A case conferencing model was established at the 311 Jarvis (Toronto site) and was available for youth in Thunder Bay. Toronto's Case Conference Facilitator Jessica Salerno and Project Chair, Dr. Judy Finlay attended a Steering Committee meeting in October 2017 to describe the case conference model.

The main goals of this case conferencing model are to:

- 1 Centre the youth voice
- 2 Facilitate cross-sectorial communication

Formal case conferencing was not adopted in Thunder Bay, although the opportunity was always available. When questioned about reasons COY case conferencing was not utilized in Thunder Bay, stakeholders indicated that they felt cross sector communication was already occurring. The Coordinator observed many instances where informal case conferencing transpired. For example, collaboration was witnessed between the Crown, Probation, youth's lawyers and child welfare workers. The Coordinator was invited to participate in these meetings to understand the types of cross sector communication and plans that were created for the youth.

However, the same stakeholders indicated that while plans were created, there was no consequence if these plan's members were not accountable. Service providers indicated that while these plans were created out of well-intentioned collaboration, with the needs and wants of youth taken into consideration, the reality of overextended case workers, and higher caseloads meant sometimes that the plans went unfulfilled. Additionally, of concern is that in approximately half of these instances the youth were not involved in these informal conferences. No one organization, aside from when the plan is ordered by the court, has the oversight to ensure these plans are fulfilled.

Professionals who are working with the youth report that they are youth centering, but there is no way for COY to evaluate if this is indeed occurring or not. In terms of meeting the objective of centering youth voice, the youth who were interviewed as part of this project indicated that they did feel they were listened to, and that child welfare workers, lawyers, and other helping-professionals promoted their desires

CROSS-OVER YOUTH IDENTIFICATION AND REFERRAL SOURCES

This pilot project relied on observational analysis and a focus group with five cross-over youth to gather information about the lived experiences of cross-over youth in Thunder Bay. To determine a data baseline and gather an understanding of the distinct charges that brought cross-over youth to the justice system, the coordinator observed youth criminal proceedings and noted instances where cross-over youth were involved. In order to identify cross-over youth within the courtroom a number of techniques were implemented in relation to who is present in the courtroom and standard due process. When a youth presents at court the Justice routinely asks if they are present with a parent or guardian. When a youth was present with a worker from Dilico, Tikanagan, the Children's Aid Society or a staff member of a group home they were noted as a cross-over youth. Similarly, if a youth was present with a foster parent or an individual referred to as a "guardian" they were noted as a cross-over youth. Youth who had a history of child welfare involvement but were not currently in care were

identified through conversations with Crowns, lawyers and probation. Observational analysis was conducted in this site from November 2017 to August 2018.

The coordinator recorded data on the following:

- Number of cross-over youth present in the courtroom
- Types of charges
- Demographics: age, sex and ethnicity
- Diversion participation
- Number of guilty pleas
- Bail and probation conditions

The focus group was informed by a semi-structured interview guide, which incorporated the three pillars of the Cross-Over Youth Project throughout engagements. These pillars are: youth centering, anti-oppressive practice and trauma-informed. Qualitative interviews lasted approximately one and a half hours. Youth who participated in the focus group were identified through courtroom observations and referrals from child welfare workers, Probation and Crowns. Youth were provided with an honorarium for their contributions. In order to ensure confidentiality, their identities are protected by pseudonyms. These five participants are referred to as: *Jason, Nathalie, Erik, Damon* and *John*. From these interviews a thematic analysis was conducted in order to discern distinct themes. This is found in the proceeding section. Starting on page twelve, interviews are stratified further and conclude with discussions and considerations.

- Vast majority of cross-over youth are First Nations (86%)
- Most of cross-over youth charges are administrative (29%)
- High rates of diversion (44% in diversion or have had charges marked diverted)
- Almost half of youth with matters at the Thunder Bay Courthouse reside at least part time, in a community other than Thunder Bay (45%)
- Low levels of pre-sentence custody observed
- All youth in custody have mental health concerns

The Identification and Understanding of Emergent Themes

GENERATION OF THEMES

Between the focus group conducted with five youth and interviews done with stakeholders in the Thunder Bay area, the Cross-over Youth Project was able to identify 6 themes of the Thunder Bay Pilot site:

Theme One: Trajectory from the Far North to Thunder Bay and Beyond

Theme Two: Over-representation of Indigenous Youth and Discrimination

Theme Three: Gaps in Cross-sectoral Coordination and Collaboration

Theme Four: Issues with Out of Home Placements, Charges, and Charging Practices

Theme Five: Mental Health and Trauma

Theme Six: Impact of a Lack of Youth Centering

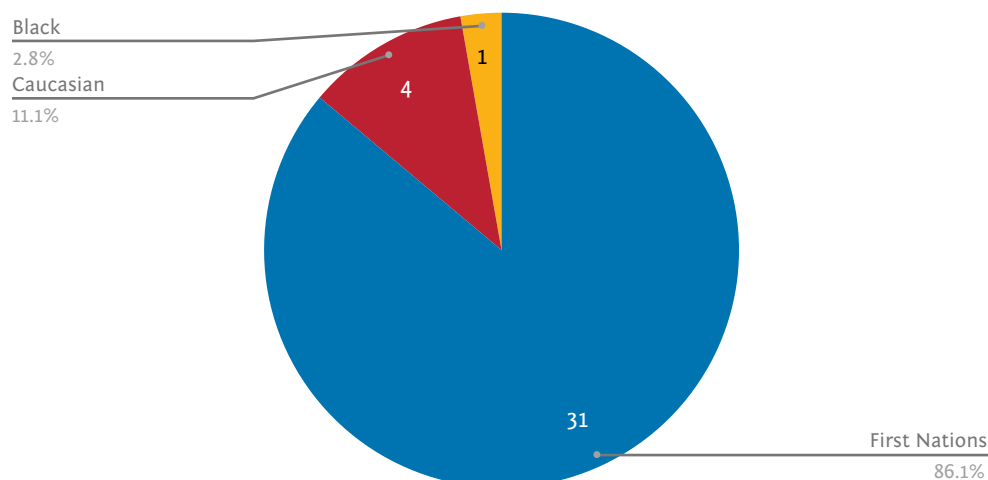
Demographics

Race: The Coordinator observed thirty-six cases of cross-over youth who had their matters dealt with in the Ontario Court of Justice Youth Court. A number of themes emerged from the study, most notably that First Nations youth disproportionately find themselves cross-over youth. Of the thirty-six youth observed (n=36), thirty-one (n=31) were First Nations (86%), four (n=4) were Caucasian (11%) and one (n=1) was Black (3%).

THUNDER BAY CROSS-OVER YOUTH: RACE/ETHNICITY

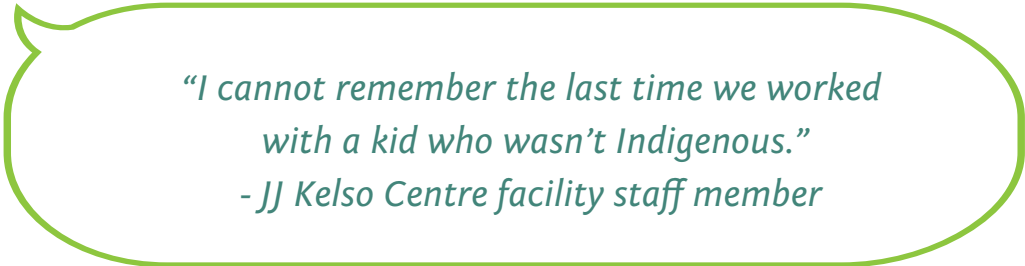
Race and Ethnicity n=36

Thunder Bay Site



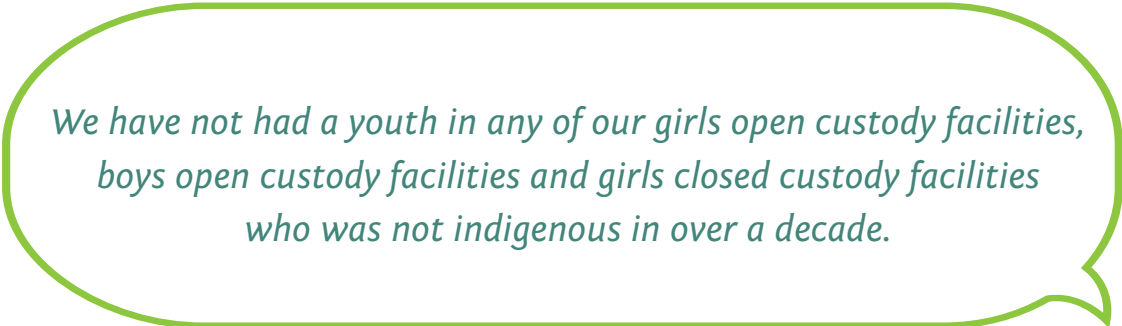
MOST OF THE YOUTH IN YOUTH DETENTION FACILITIES ARE FIRST NATIONS YOUTH

Although it is not supported by direct case observations of cross-over youth within the courtroom setting, staff at Youth Justice Facilities report that nearly all of youth in custody are Indigenous.



*“I cannot remember the last time we worked with a kid who wasn’t Indigenous.”
- JJ Kelso Centre facility staff member*

A staff member remarked:



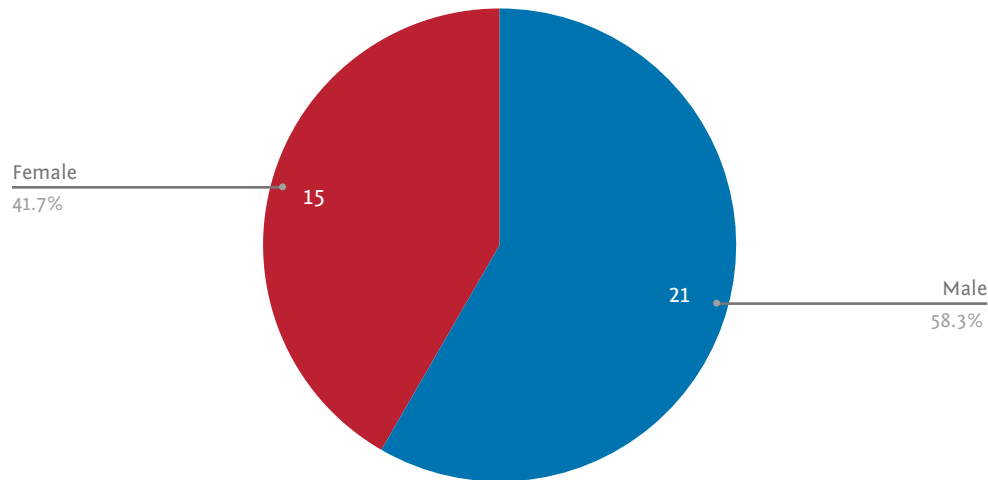
We have not had a youth in any of our girls open custody facilities, boys open custody facilities and girls closed custody facilities who was not indigenous in over a decade.

However, during the course of this project only one youth received a custodial sentence, and this youth was Caucasian.

THUNDER BAY CROSS-OVER YOUTH: PRESENTED GENDER

Presented Gender n=36

Thunder Bay Site



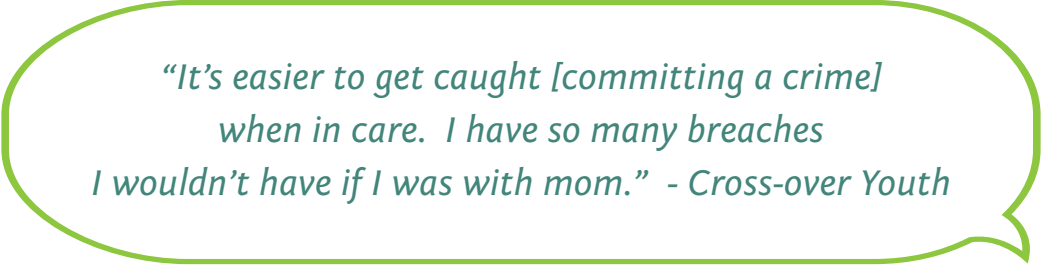
Location: Sixteen (45%) of youths reside, at least part of the year in communities outside of Thunder Bay. This was most often a youth from a First Nation, who for reasons ranging from education, or to access medical and/or social services found themselves in Thunder Bay. Additionally, a number of the charges occurred in First Nations communities.

Sixteen (45%) of youth were noted to be from the following communities:

- Fort Hope
- Summer Beaver
- Geraldton
- Kasabonika
- Marathon
- Gull Bay
- Armstrong
- NAN Community (community not specified)
- Longlac
- Winnipeg
- Whitesand First Nation
- Mishkagoogamang
- North Caribou
- Fort Frances

A Detailed Account of Criminal Charges

The most frequent charge was administrative- failing to comply with conditions (recognizances or probation). The intended legal premise of bail orders that are attached to conditions of release is to ensure the youth returns to court for their hearing, while attempting to constrain their behaviour while out in the community (Myers & Dhillon, 2013). However, as exemplified in this dataset cross-over youth are subjected to harsher restraints when they are also in care.



“It’s easier to get caught [committing a crime] when in care. I have so many breaches I wouldn’t have if I was with mom.” - Cross-over Youth

There are encumbering concerns that cross-over youth face by virtue of their positionality and system involvement. For instance, they are more likely to receive harsher punishments, such as being remanded rather than released, in comparison to their justice-only-involved peers (Gordeyko, 2017). Are subjected to onerous, trivial and vague bail conditions (Cross-over Youth Project, 2015; Sprott, 2012; Sprott & Myers, 2011). Due to the nature of these conditions many accused youth obtain a new charge as a consequence of failing to comply with the court order (Myers & Dhillon, 2013; Sprott, 2012). This exemplifies the need to lay conditions that are appropriate and support cross-over youth’s reintegration, rather than conditions that result in the procurement of supplementary charges, such as breaches.

Charge	Frequency
Failure to Comply with Conditions	39 (29%)
Mischief	26 (19%)
Break and Enter	13 (10%)
Assault	13 (10%)
Threaten Death	11 (8%)
Theft	9 (7%)
Assaulting Police Officer	5 (4%)
Assault with a Weapon	5 (4%)
Sexual assault	4 (3%)
Possess Property	4 (3%)
Failure to attend youth court	4 (3%)
Arson	3 (2%)
Under 19 intoxicated	2 (1%)
Under 19 having liquor	2 (1%)
Sexual Interferences	1 (<1%)
Robbery with intimidation	1 (<1%)
Robbery	1 (<1%)
Impersonation	1 (<1%)
Damage to property	1 (<1%)
Criminal Harassment	1 (<1%)
Overcome Resistance by Choking	1 (<1%)
TOTAL	134

PARTICIPATION IN DIVERSION

Sixteen youth (44%) were observed to be participating in diversion, with an additional five (14%) youth having their charges withdrawn and marked diverted during the observation period. The pre-trial diversion program is run by the Thunder Bay Youth Justice Committee at the Indigenous Friendship Centre.

GUILTY PLEAS

Eleven youth (31%) pled guilty. Three were sentenced to deferred custody and supervision, and one was sentenced to one hundred and four days in secure custody but, requested to have his sentence reviewed and served the remaining portion of his sentence in open custody.

All youth were sentenced to complete community service hours, ranging from twenty to sixty hours. were mindful of the cultural realities of youth, and conditions on weapons excluded the use for cultural or sustenance purposes.

All cross-over youth were sentenced to a year of probation and were required to attend any programming as dictated by probation. The sentencing Judges were mindful of the lived realities of the youth and discussed the impacts various conditions could have on the lives of youth, particularly if they had substance use concerns. For instance, in a handful of cases the sentencing Judge declined to place conditions such as abstaining from alcohol or drugs when youth indicated they struggle with addiction and substance use. In these cases, the Judge did require the youth to attend programming as determined by probation, which often included counselling for substance use.

PRE-SENTENCE CUSTODY

Pre-sentence custody data was recorded for six (17%) youth. A limitation within this pilot project was the difficulty in capturing the exact number of youth who spent time in pre-sentence custody. Due to the protracted time it took the majority of the youth's issues to be resolved, the coordinator only observed a handful of guilty pleas. Undoubtedly additional youth were in custody, but the CCF did not observe them.

For those where data was available, pre-sentence custody ranged from nine to fifty-two days.

MENTAL HEALTH CONCERNS

Interviews with staff in Youth Justice Facilities indicate that while numbers of youth in custody are decreasing (in some cases facilities were empty, while others had one youth), mental health concerns are prominent.

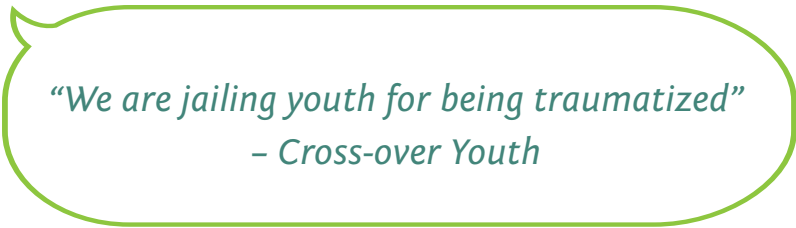
“One hundred percent of kids have mental health issues.”- Youth Justice Facility Staff

*“We are criminalizing mental illness.”
- Youth Justice Facility Staff*

In an interview with one Youth Justice Facility Staff they report that cross-over youth have complex mental health needs and that secure custody is not the place to rehabilitate these youth.

*“If resources had been allocated to them earlier they wouldn’t be in this situation to begin with.”
- Youth Justice Facility Staff*

This statement emphasizes the critical role of early intervention, especially when considering the healthy development of youth. A barrier that arises for cross-over youth is the fragmentation of services, which results in missed or mistreated diagnoses (Gordeyko, 2017). A contributing factor to this is the lack of mental health services referred to this demographic, largely in part because of inadequate interagency collaboration and communication (Bai, Wells & Hillemeier, 2009; Bala, Finlay, De Filippis & Hunter, 2015; Finlay, 2003; Gordeyko, 2017). Therefore, preventative interventions are rarely endorsed, instead, further control and management is enacted over the youth. The consequences of this are seen through: recidivism, a negative sense of self, the inability to reintegrate, “poor” social bonds and a higher chance of engaging in ‘risky behaviours’. Dean (2011) affirms that trauma is a consistent factor related to male juvenile delinquency. There is a need for wraparound services to meet the needs of cross-over youth in Thunder Bay. This need extends into First Nations.



*“We are jailing youth for being traumatized”
– Cross-over Youth*

For youth with behavioural concerns related to FASD, or other neurological disorders stakeholders need to understand and be mindful of how they manifest while 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.

Theme One: Trajectory from the Far North to Thunder Bay and Beyond

OVERVIEW

In Thunder Bay, a large portion of the cross-over youth were not from Thunder Bay but had arrived in the city from the far north for a variety of reasons. Of the 36 cross-over youth observed in the Thunder Bay court, sixteen (45%) resided outside of the Thunder Bay area. Youth often traveled to Thunder Bay because they had been banished from their reserves, to attend secondary education institutions or to access services not available in their home communities. While in Thunder Bay, these youth may come into contact with the justice system leading them down a path that further removes them from their home communities, cultural backgrounds and puts them in trauma inducing environments. At other times the youth observed in court had charges that took place in those Northern communities and traveled to Thunder Bay for their court dates.

UNSHELTERED YOUTH

Prior to the changes to the Child and Family Services Act in January 2018, which lifted the age of protection to eighteen, a few youth involved in this project were unsheltered. Poverty raised a number of issues for the youth, including: safety concerns, addiction, transportation, and housing. The trajectories to being unsheltered in this site are understood to arise from: precarious housing options, multiple placements, mental health concerns (collective or historical trauma), inadequate social bonds and systemic discrimination. Kidd, Thistle, Beaulieu, O’Grady, and Gaetz (2018) emulate these findings through the following excerpt, “Dealing with both loss of kin and identity, coupled with the extreme emotional and psychological pressures of being in care, and underlying intergenerational trauma, are key contributors to Indigenous youth homelessness”.

When youth are unsheltered their viability for the use of discretion from police and courts decreases. Without a stable home environment and responsible parent or guardian present police and workers may be less inclined to release a youth on their own, therefore charges may be laid in an attempt to “protect the youth.”

LACK OF TREATMENT OPTIONS

The COY Project saw numerous youth that were traveling into Thunder Bay and even as far as Southern Ontario in order to access services and treatments that were not available in the far north. Between the pilot site in Belleville and the Thunder Bay pilot site it became apparent that youth were being forced out of their home communities into cities unknown to them. A severe shortage, or in some cases total absence of appropriate treatment options is disadvantaging youth. The Cross Over Youth committee in Belleville has indicated a large number of northern Ontario youth are being treated in facilities in that community.

“I know that one of the subjects we discussed was how to get the kids that are in Belleville back into the north because they are totally disconnected from family. 100 + kids from Thunder Bay in the Belleville area. One judge told me she thought there was more kids from the north than from her home community.” – COY Stakeholder

*“What we’ve observed is this huge client services in regard to residential school funding, survivors counselling. So many families travelling to the city for that kind of counselling and a lot of youth are coming down here and getting in trouble”
– COY Stakeholder*

CASE STUDY

Case 1

Damon was banished from his reserve with his siblings and was forced to leave the community. Unable to accompany them due to financial reasons their mother remained on the reserve, forcing the youth to turn to the child welfare system for placements. They have been residing in a group home ever since. Damon and his siblings have histories in both child welfare and youth justice and have been placed in multiple foster care and group home settings. The youth also report having been unsheltered at times while In Thunder Bay. Even from a young age Damon has been forced to travel to Thunder Bay to access services that are not available in the far North. At the age of ten Damon attended anger management treatment through Dilico in Thunder Bay.

Case 2

At the age of eleven Erik was sent to a treatment foster care home in London, Ontario. It was at this treatment foster home where he picked up his first charges at the age of thirteen, which he says are related to his anger problems. Erik also spent time at a therapeutic treatment facility in Guelph. He reports his time at this facility was beneficial, albeit boring. He learned some techniques to control his anger issues.

Case Study Analysis

Both of the above cases are examples of the trajectory that youth in the far north and the Thunder Bay region are experiencing. Both of these youth were removed from their home communities and had to travel as far as Southern Ontario to receive treatment and programming that was unavailable in the North. A variety of issues lead to youth having to leave their communities and make it difficult to return, and force youth into situations where they become unsheltered. In both of these cases leaving or being removed from their communities resulted in the youth becoming involved with the justice system. Furthermore, upon returning to their home communities and Thunder Bay youth such as Damon and Erik are faced with the same issues that started this trajectory as no work has been attempted to reconcile between the youth, their victims, or their communities.

DISCUSSION

The literature states that youth in the child welfare system and out of home care placements are at greater risk for criminal involvement than those who are not (Bala, De Fillips & Hunter, 2013; Burnside, 2012; Robst, Armstrong & Dollard, 2011). It has been established that there is a pipeline from the child welfare system into the youth justice system. The unique environment of Thunder Bay plays a direct role in the trajectory of youth crossing-over from one system to the other. A large part of the trajectory in Thunder Bay can be attributed to the lack of infrastructure and services in the far north and on the Indigenous reserves. Individuals in need of services may not be able to obtain them or have to inconveniently travel far distances to receive them. In a study conducted on Indigenous communities and access to services McIntyre et al. (2017) listed some of the barriers to services as:

“cultural and communication barriers, perceptions of discrimination, stigma of mental illness and the use of unprofessional sources of care, transport and distance, long waiting times, cost and dislike of services, and lack of Indigenous staff, as common barriers to care among Indigenous people”

The Project’s experience revealed similar observations regarding access to treatment and services in Thunder Bay. As well, due to the Project’s location in Belleville, the Project was able to observe where the youth were ultimately being placed. Unfortunately, those places in the south are plagued with problems. Paramountly the issue was that many of these placements were not offering the service and treatment they were promising placing agencies. The operators were making sweeping, glowing claims about their services and the reality fell far short. Additionally, their claims about culturally appropriate services they offered were also lacking. One issue was that services were offered with the misconception that there is a pan-Indigenous culture. Cultural teachings from one Indigenous people is not necessarily applicable to another group, especially the further the geographic distant. Another issue is how often access to these incongruent services were cancelled by the operators.

Even more troublesome was the misconception that there was not a need for more services and treatment options for youth in Thunder Bay. Members of the steering committee and Creighton Youth Services have put forward a proposal to create more crisis and mental health beds for those in need and have been met with reluctance, delay and push back. So far, the main treatment option for youth in need of services or treatment has been to send them south or to different provinces, however, this does not guarantee that they will truly receive the treatment they require.

CONSIDERATIONS FOR POLICY AND PRACTICE

Increased Use of Discretion

Police should be encouraged to increase use of discretion in charging when it comes to cross-over youth. Police officers involved in this project indicated a use of pre-charge diversion, however, a lack of data exists around the number of youth who were diverted pre-charge, and the outcomes for those youth. Though police expressed a perceived difficulty in avoiding the court when there was no responsible parent involved. 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 officers fully understand the ramifications of criminalizing of cross-over youth. Procedures surrounding this program should explicitly take into consideration the social science research on trauma. The frequency of availability of that program to crossover youth should be modified to reflect those realities. Increasing discretion will limit the excessive criminalization of cross-over youth, especially those who are reaching out to law enforcement for assistance.

Mobilize the Development of a Youth Shelter

Due to limited resources, Thunder Bay is unable to currently meet the needs of unsheltered youth. There is Shelter House, which is the largest shelter in this locality, it has the capacity to shelter sixty-two individuals. For youth, however, they only have eight beds available for youth aged sixteen to eighteen in a dorm room setting. Currently, there are only two emergency shelters. One of which is Shelter House and the other is the Salvation Army (which only houses males). There are plans for building a youth-only shelter sometime in 2019. With these findings it is evident the need for youth-only shelters in Thunder Bay is imperative.

Local Treatment Options & Repatriation

The lack of services in Thunder Bay as well as the northern communities around it has led to many youth having to leave their families and communities. Between the Belleville and Thunder Bay sites the Project observed that youth from the far north were being sent south in order to access the services and treatments they needed. Increasing services and finding a way to repatriate youth and bring them back north to be closer to family, community and culture. If youth were able to stay in or near their home communities the treatment and services could be made to be wrap-around services and work with families and communities as a whole. Dilico has begun to make adjustments in order to bring youth back home. By opening five new group homes they were able to bring approximately 60% of youth back closer to their home communities.

*“We’ve expanded considerably since the time of this initiative.
We have a director who prides herself of repatriation.
We’ve opened up five group homes. Twenty something kids
have been repatriated back to the city”
– COY Stakeholder, Dilico*

SUMMARY

In summary there is a pattern of youth coming from remote northern communities into Thunder Bay to access services and treatment, attend school, or for other reasons such as banishment from home reserves. Additionally, youth who enter into the Child Welfare system are being placed in southern Ontario communities to access treatment not available in the North. This removes youth from their family, cultural and community connections, leaving them isolated in unknown spaces. Once removed from their communities, youth were coming into contact with the justice system either in Thunder Bay or in their group home placements in the south. In order to address the issue of this trajectory services need to be made available not only in Thunder Bay but also in the far northern communities. Wrap-around services would allow for wholesome and on-going treatment in all areas of a youth’s life. Organizations such as Dilico and the Friendship Centre have begun initiatives to create more services including treatment and child welfare services which have allowed them to begin a process of repatriating youth who were sent to the south and bringing them back towards their home communities.

Theme Two: Over-Representation of Indigenous Youth and Discrimination

OVERVIEW

Literature has brought to our attention that Indigenous populations are often overrepresented in certain institutions compared to their representation in the overall population of Canada. This is also the case for Indigenous youth. An interesting fact that contributes to this theme is the fact that the general population of Indigenous people is quite young; children aged 14 and under make up 28% of the Indigenous population, and youth ages 15-24 make up 18.2% of the Indigenous population (Baskin, 2016).

“The Friendship Centre has gotten land. Their plan is to build a 48-bed housing supportive and so for otherwise homeless 18-20 something year olds. The backlash is outright racism and they are allowed to say it. To me it’s part of the issue. People don’t give a shit, they just don’t.” – COY Stakeholder

The literature reveals the necessity to validate post-colonial suffering and de-stigmatize youth’s Indigeneity, in order to heal psychological and historical traumas (Cooper & Driedger, 2019; Mohatt, Thompson, Thai & Tebes, 2014). Youth are positively reacting to culturally responsive programming because these programs cultivate a space to achieve the former. By meeting these needs, youth in Thunder Bay are on the path to establishing a strong cultural identity and healing from within, with individuals who share similar narratives. With strong roots to self, youth are able to thrive and grow.

What was even more troubling were the Project’s observations in regard to how the Indigenous youth were treated once they entered the system and its implication for the youth justice system. The conditions they had to endure conjured images of residential schools. The Indigenous youth the Project engaged with were disconnected from their communities while experiencing complex and historical trauma. Their interactions with the youth justice system were a direct result of their trauma. The systems meant to help the youth with this trauma often perpetuated and exacerbated it.

Residential Schools and the Effects of Colonization on Indigenous Youth

The process of colonization is one that has and continues to impact the lives of Indigenous people and youth. By understanding how colonialism and historical trauma operate within the lives of the Indigenous population we can begin to acknowledge what is an extremely complex system of issues that in part contributes to the overrepresentation of Indigenous within the child welfare and youth justice system. Plenty of literature documents the different acts of oppression on Indigenous people by colonizing states “ including an imposed reserve system, criminalization of cultural practices, extermination of language, broken treaties, sterilization of Indigenous women, and forced geographic relocation that

separated family and community members (Brave Heart & Debruyn, 1998; Episkenew, 2009; Frideres & Gadacz, 2008; Lutz, 2008; Morse, 1985; Royal Commission on Aboriginal Peoples, 1996; US Commission on Civil Rights, 2004 in Nutton & Fast, 2015). Collective trauma (also known as intergenerational or historical trauma) can be understood as the shared emotional and psychological pain of a population as a result of mass group trauma (Brave Heart, Chase, Elkins & Altschul, 2011). In this case of Indigenous people, it is the shared traumatic experiences that result from the ongoing colonization of their population. Under “Theme 5: Mental Health and Trauma” there is further detail regarding collective trauma and its impact on the mental health of the Indigenous community and its youth.

Collective trauma and colonization impact generation after generation of Indigenous Peoples. The hardships faced by some individuals and their trauma from these experiences is passed onto their children and kin in a variety of ways. Furthermore, many of the oppressive and racist acts performed by colonizers have and continue to disadvantage Indigenous people both informally and formally through our institutions. As Baskin (2016) states “ongoing effects of colonization produced various effects that include poverty, high unemployment rates, lack of education, inadequate or lack of affordable housing, family violence, dependency on social services, and substance misuse”. The experience of the indigenous youth The Project observed aligns with the literature, exemplified by their homelessness, issues of substance misuse and experiences with family violence or child maltreatment.

The impact of Residential Schooling is a focal point of the Canadian literature on the impact of colonialism. The purpose of residential schools throughout the 19th century was to assimilate Indigenous youth into white Christian society and encourage them to see their own culture as savage (Nutton & Fast, 2015). Indigenous children were forcibly removed from their homes and communities and placed in institutions with strict discipline policies, unable to engage in any form of their own culture, and often facing horrendous abuse (Nutton & Fast, 2015). Many of the struggles that the Indigenous population faces can be tied directly back to the operation of residential schools (Baskin, 2016). Removal of almost an entire generation from their community, led to a decline in parenting skills as these individuals never learned the importance of family in their culture, and were denied access to positive parental role models (Baskin, 2016). Additionally, Barker et al., (2019) state “Prior research has found that [residential school] survivors experience a host of risks associated with diminished parental capacity including, elevated rates of problematic alcohol and substance use, fetal alcohol syndrome, domestic violence, and poorer physical and mental health compared with those who did not attend a residential school”.

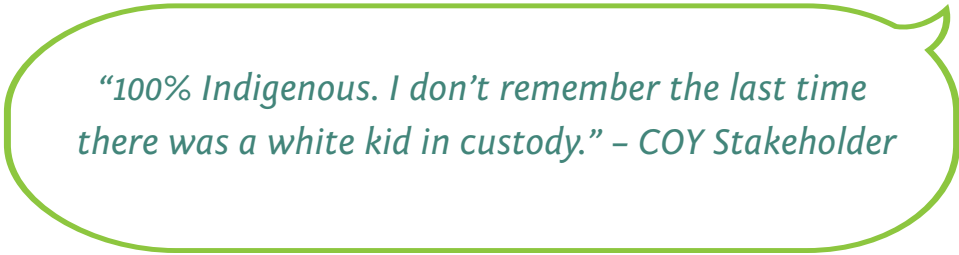
Even after residential schools were closed the legacy of colonialism continues through the removal of Indigenous youth from their communities and their placement in White communities by the Child Welfare System (Baskin, 2016; Barker et al., 2019). This is exemplified by the Indigenous cross-over youth's experiences in Thunder Bay, who were removed from their home communities in the far north and sent to areas in Southern Ontario like London and Belleville to live in group care settings in majority white communities. They are unable to speak their own language because no one would understand them, and it is difficult for them to maintain cultural ties as they cannot partake in traditional rites and passages.

Overall there is still a legacy of colonialism that occurs in Canada that disadvantages the Indigenous population, that the Project observed. The impact of colonialism over generations creates a shared experience of trauma that continues to affect youth which can result in their over-representation in both child welfare and youth justice systems.

Over-Representation of Indigenous Youth in Child Welfare

The over representation of Indigenous young people in both the Canadian and Ontario contexts have been well documented (Barker, et al., 2014; Ma, et al., 2019). In 2018, the Ontario Human Rights Commission (OHRC), reported that Indigenous young people are over-represented in 25 out of 27 of the CAS agencies they reviewed. According to this report, the number of Indigenous children admitted into care was 2.6 times higher than the child population at large. Although Indigenous children represent only 4.1% of the population of young people under the age of 15 in Ontario, they make up 30% of the children in foster care.

Over-Representation of Indigenous Youth in the Youth Justice System



“100% Indigenous. I don’t remember the last time there was a white kid in custody.” – COY Stakeholder

Indigenous young people represent only 8% of the youth population in Canada (Malakieh, 2018). Yet in 2017, Statistics Canada reported that Indigenous young people account for 46% of admissions into correctional services, including both supervised probation within the community and detention. The overrepresentation becomes even more prominent in that within these correctional services, Indigenous Youth account for 50% of young people spending time in detention (Statistics Canada, 2017).

*“We have not had a youth in any of our girls open custody facilities, boys open custody facilities and girls closed custody facilities who was not indigenous in over a decade”
– COY Stakeholder*

“100% of kids in custody for most part are Indigenous. There wasn’t the hope from the start for anything but a hard life. We’re jailing kids up north for being Indigenous. We celebrate our racist attitudes from my experience, keep our colonialism intact.”

CASE STUDY

Case 1

Jason estimates that he has had approximately fourteen different workers during his time in Child Welfare and Youth Justice. Jason advocates that his current worker is his “favourite – the best” one he has had yet. Jason’s case was moved into the Indigenous Peoples Court and allowed him to feel more understood and supported. COY attributes the success of Jason’s case to the strong advocacy of his worker. Additionally, Jason is participating in programming at the Indigenous Friendship Centre called Kizhaay Anishinaabe Niin, translated to English - “I’m a Kind Man”. This program teaches Indigenous men their roles and responsibilities around ending violence against Indigenous women. Built around the seven grandfather teachings the programming is culturally relevant and responsive. Culturally responsive programming both in and outside of the system has allowed Jason to gain positive experience and work towards an outcome of rehabilitation and reconciliation.

Case 2

Late one evening in Thunder Bay, Nathalie’s mother and her mother’s boyfriend threw a party. Adults were doing drugs and acting violent. Fearing for her safety Nathalie called 911. When the

police arrived, they found Nathalie crying and distraught. They asked Nathalie for her name, and realizing she was violating her probation conditions from Winnipeg she lied and gave the police the name of her cousin. When she was unable to produce any documents to prove her identity police arrested her for impersonation. Once officers realized her true identity and that she was in violation of her probation conditions, Nathalie was then taken into custody.

At a court date in November 2018 Nathalie explicitly asked to be left in detention and not released to her mother. She describes her relationship with her mother, a Residential School survivor, as toxic. She indicated that she recognized there would not be a good outcome for her if she were to be released to her mother's care. Nathalie remained in custody for over fifty days, including Christmas. She was only able to leave custody on January 1, 2018 when portions of the Child, Youth and Family Service Act (2018) came into effect. This extended the age of protection services to youth between the ages of sixteen and seventeen. Nathalie eventually pleaded guilty to four charges, and the charge of impersonation was withdrawn.

Case Study Analysis

Jason's case is one of the two cross-over youth cases during the data collection process that was moved to the Indigenous Peoples Court. Jason expressed positive sentiments towards having a supportive and understanding worker and culturally relevant and responsive programming. These factors have allowed for a more appropriate space for Jason to heal and address his circumstances in a meaningful and impactful way. COY recognized through examples such as Jason that recognizing the cultural background and history of youth plays an important role in case work and as a way of embracing the three pillars of practice including trauma-informed practice, anti-oppressive practice and youth centering.

As for Nathalie, this example shows us the ways in which collective/historical trauma can impact youth in the present. Her relationship with her mom was problematic, which can be attributed in part to her mother's experiences with residential schooling. Furthermore, Nathalie was criminalized for seeking police help during a frightening situation in which she feared for her safety, which does not promote a trauma-informed practice or a youth-centered lens.

DISCUSSION

Indigenous Peoples' Court

Both youth and stakeholders report the Indigenous Peoples' Court is a positive addition to the Thunder Bay judicial landscape. Introduced in 2017, this special court takes a restorative justice approach to rehabilitating First Nations, Inuit and Metis offenders.

"It's [the Indigenous Peoples' Court] pretty Indigenous, and I like it!" – Cross-Over Youth

Interviews with agencies who work with youth, who have had their charges resolved/ addressed within this court, reflect on the experience positively. However, youth raise issues in regards to lack of support from their child welfare workers. There is a lack of consistency with workers and Elders, which could be interpreted by youth as a lack of commitment. Problems that plague the mainstream judicial and child welfare systems (high turn around, lack of consistent workers, etc.) are afflicting the Indigenous Peoples' Court as well.

One worker felt that the specialized court, while a step in the right direction, is still a continuation of colonized justice practices. While it is promising that elements of Indigenous justice concepts are integrated into the process, the process itself remains a colonial one.

Only one youth had his issues dealt within the Indigenous Peoples' Court. Future cases should be observed and compared to cross-over youth who have their issues dealt with in the mainstream court.

Cultural Programming

The First Nations youth interviewed for this project revealed they enjoyed cultural programming. The Kizhaay Anishinaabe Niin (an Ojibway phrase) translates to "I Am a Kind Man" anger management programming was mentioned multiple times as helpful. Youth feel more connected to their roots, which contributes to a positive sense of self and place. This results in spiritual and physiological well-being. It should be considered how 'socio-contextual determinants', such as: race, ethnicity, culture, poverty, placements, system

leader characteristics, and mental health expenditures directly determine offence patterns (Bala, Finlay, De Filippis & Hunter, 2015; Garcia, Kim, Palinkas, Snowden & Landsverk, 2016). With this, the capacity to meaningfully respond and meet the individualized needs of this demographic is conceivable. Therefore, truly fulfilling the ideals informing transformative justice.

The literature emphasizes a need for culturally responsive (Goodwill & Giannone, 2017), strength-based (Gray, 2013), evidence based and trauma-informed programs (Crosby, 2016) when being with racialized and non-white youth. By virtue of opposing ‘criminalization’ we have ‘humanization’. Cooper and Driedger (2019) assert “healthy attachment and self-determination are two key aspects of Indigenous wellbeing that have been systematically negated by the Canadian government and popular discourse”. Culturally responsive programming fosters both healthy attachments and self-determination, thereby responding to this historical disparity. Indigenous cross-over youth in Thunder Bay are affected by trauma: Post-Traumatic Stress Disorder, complex, and historical trauma. Historical trauma is exasperated by social-economic conditions, such as racism, limited access to supports and/or services and governmental policies. Historical trauma arises from historical legacies of colonialism however, its effects today are transparent.



“It’s [Kizhaay Anishinaabe Niin] pretty Aboriginal, and pretty cool.” - Cross-over Youth

CONSIDERATIONS FOR POLICY AND PRACTICE

Anti-Oppressive Principles (AOP)

The Cross-over Youth Project adopts Anti-Oppression as a key pillar in helping practitioners and organizations understand how to work with Racialized and Indigenous cross-over young people. AOP critiques the role of power and practices of oppression that limit social, educational and economic outcomes for marginalized groups. Anti-oppression theories and practices guide practitioners in understanding how to address issues of power imbalances that negatively affect the experiences of racialized and marginalized populations, while supporting service users in accessing necessary social resources. Further, the impacts of systemic oppression must be considered a factor when evaluating,

analyzing and implementing interventions for service users who are impacted by practices of marginalization. An AOP approach requires that front-line staff and management, acknowledge systemic power imbalances, and receive ongoing and current training to support them in the application of AOP. *Anti-Colonial Practice*

Critical to the Anti-Opressive work of the Project are the theories of Anti-colonial practice Colonialism. Colonialism is “a worldview and processes that embrace dominion, self-righteousness and greed, and affects all levels of Indigenous peoples’ lives ... including their spiritual practices, emotional well-being, physical health and knowledge” (Hart, 2009). Colonialism continues to operate today to dispossess indigenous peoples of their self-determination through social structures (Simpson et al., 2011). The understanding of the disproportional representation of Indigenous Young people in child welfare in Canada today cannot be separated from the history of the colonization (Pon, et al., 2011). Similarly, nor can we understand the overrepresentation of Indigenous young people in Canada’s youth criminal justice system without understanding the ways that policies born of colonialism have disconnected an entire generation of Indigenous Young People from their families and communities (Cesaroni, Grol, Fredericks, 2019). Unfortunately, Gharabaghi (2019) explains that, historically, residential care and treatment in Ontario has all but ignored Anti-Oppression and anti-colonialism and its principles in its development. However, there has been a movement towards a reframing of these structures in recent years.

SUMMARY

Racism and discrimination have not disappeared from the Canadian context regardless of how the country promotes multi-culturalism. It is important to recognize the ways in which racist and colonial histories still penetrate our institutions and are embedded in our society. In the Thunder Bay region, it is especially important to recognize the ways in which Indigenous people are still marginalized and face barriers and challenges based on their identities. Indigenous peoples and youth still make up an alarming percentage of the population of justice involved youth and youth in custody. The Indigenous peoples’ court and cultural programming are some of the first steps being taken, but there needs to be a further emphasis on anti-oppressive and anti-colonial policies and practices.

Theme Three: Gaps in Cross-Sectoral Coordination and Collaboration

The COY Project, while in Thunder Bay, noticed several gaps throughout a cross-over youth's trajectory that made their journey more challenging. The purpose of the pilot project was to increase collaboration between stakeholders and service providers in order to benefit the youth. These gaps occurred at a multitude of levels and throughout different systems that youth interacted with including courts, child welfare, transportation, and education.

COURT PROCESSES

*“Nobody tells me anything these days.
I’m asking questions.”- Cross-Over Youth*

Indoctrinated in the Youth Criminal Justice Act is ‘the declaration principle’ (j) accountability through proportionate responses (ji) promoting rehabilitation and reintegration (jii) crime prevention through referrals to interventions in order to address the circumstances underlying offending behaviour (Bala & Anand, 2012). Yet, normative interventions for cross-over youth generally, and racialized youth specifically, pathologize their behaviour. Thus, enforcing control over and denying autonomy, both of which are detrimental to a young persons’ ‘positive youth development’ (Guerra & Bradshaw, 2008). These restrictive measures inevitably are their demise. As a result, youth are inclined to enter guilty pleas, since they are unaware of other options and their right to the principles within the rehabilitative justice model.

“Kids and even adults aren’t even understanding what is happening to them when they are getting arrested. When they do go to court and they are sentenced, families they don’t really understand that as well. Kids get detained for long periods of time.” - COY Stakeholder

The majority of youth did not have their charges resolved in a timely manner. It was not uncommon for youth to have issues remanded upwards of ten times, and for some, extending over a full year. This is especially troubling for youth residing in locations outside of Thunder Bay. Particularly, by not providing much needed services in home communities, which necessitates youth to remain in Thunder Bay for purposes related only to accessing justice services. As their cases are dragged out through the court proceeding a youth becomes increasingly distressed. It is then typical for youth to become depressed and/or experience anxiety. They may also be inclined to plead guilty in order to speed up the process. Youth who have difficulty complying with bail conditions experience lengthier processes, due to procuring breaches.

TRANSPORTATION

Transportation is especially troubling for youth residing in locations outside of Thunder Bay. As the frequent remands are a financial burden for the youth who are obligated to continually travel from their home community to make the sanctioned appearance at youth court. In this way, the Federal government has created a system that disadvantages youth from remote First Nations. Although within the city of Thunder Bay there is a public transit bus system it can still prove difficult to get around. Buses only run every half hour and the fare is \$2.75 (<https://www.thunderbay.ca/en/city-services/fares-and-passes.aspx>). Between traveling to court, programs, and where youth reside these costs can add up for an individual who does not have a steady source of income. Multiple youth expressed their frustration with the difficulty of trying to get to sanctioned meetings on time or making it home in time for curfew. The alternative to the bus system is using taxi services which is even more expensive.

ACCESSING SERVICES

“I know that they can connect them, some services are easier to get into if you have a referral from court”

– COY Stakeholder

Some youth were able to access services only by virtue of their involvement in the justice system, which is not what the system is intended for. One youth who was in custody due to breaching his conditions had a discussion with his worker who advised having him remain in custody. Their rationale was due to the increased access of services provided in custody, such as on-site education and recreation, the worker suggested the youth remain in custody.

*“Counselling services have a huge waitlist – criminal court gets in earlier, but diversions last forever because of the waitlist”
– COY Stakeholder*

LACK OF PLACEMENT OPTIONS

One of the largest gaps that the COY Project observed in Thunder Bay was a lack of local placement options for youth in care. Youth who did not have family or guardians that they could be released to often spent extended amounts of time in custody while arrangements were made. It became apparent that many of the placement that youth did receive were not local and resulted in youth moving south as far as Belleville, and London, or even into a different province in Manitoba.


STAFFING CHALLENGES

“I don’t know how many social workers – maybe 20? 30? I lost count.”- Cross-over Youth

*“The caseworkers are just looking through a book – some aren’t even looking in the book!
I don’t want to talk about that [the past]; I want to talk about now. It’s re-traumatizing.”
- Cross-over Youth*

Another large gap that the COY project observed was in regard to staff. Youth often had multiple workers and did not feel connected or supported to their workers. Youth express that the constant re-telling of their traumatic histories was re-traumatizing, and they felt the process would be easier with an individual they trust. Some youth experience caseworkers that practice from an impersonal approach, which is debilitating. When a youth has strong social bonds and is supported by an advocate the likelihood of recidivism is mitigated. The literature asserts the lack of continuity is problematic for youth in care, as a foundational relationship is crucial to their well-being (Gerard, McGrath, Colvin & McFarlane, 2019). High turnover rates, inexperienced staff and the high rate of burnout in the field leaves youth vulnerable to the impact of poor quality staffing.

Judges and Justices were quick to reprimand child welfare agencies for not being present when a youth's matters were being dealt with. Child welfare workers should be acting in the role of parents to the youth in their care. This means they are to be supporting them and advocating for them throughout the justice system processes and offering guidance. Cross-over youth need stability and an ally with experience to help them navigate the complex systems they are subjected to.



“I’d like to see more kids get good competent engaged defence lawyers, they tend to get the least experienced lawyers” – COY Stakeholder

EDUCATION

Multiple stakeholders expressed frustration in regard to working with education. Members from the education system were often not present during discussions and meetings unless there was a particular issue with youth attending school. School boards appeared reluctant to work with children and youth in child welfare and youth justice and often were more focused on the safety of their other students. This created a large gap in communication between education and other service providers, not knowing if youth were succeeding at school, let alone attending. As one stakeholder mentioned the education system can be used as a means of reaching youth who are struggling in their homes and families before the problem is exacerbated, but without communication and a commitment to working with and advocating for youth this cannot be successful.

“I don’t think education ever came to any of the committee tables...I wish education was at that table, what are we doing, what are the struggles that you are having. What can be done that kind of thing. But there was none of that and it was frustrating, and I know I wasn’t the only person frustrated by that. Dilico and CAS are frustrated with it, they make sure the kid leaves for school, but they never get there.” – COY Stakeholder

CASE STUDIES

Case 1

When present in the Thunder Bay court K’s aunt who had been his caretaker after his mother indicated she “couldn’t control him” anymore, indicated she was unwilling to have K back in her home because she was fearful for the safety of her own young children. Options for K’s release were discussed in-depth with the youth’s lawyer, the Crown and Judge. It was determined that the best solution was to have the youth plead guilty, where he would then be sentenced to custody and able to receive treatment. The youth pleaded guilty. The aunt-guardian at this point indicated she had changed her mind and didn’t fully comprehend the impact her refusing to care for him should he be released. The guilty plea was stricken, and K was released to the custody of his aunt and returned to Fort Hope.

Case 2

John became involved with the justice system in November 2017 when he was charged with theft under \$5,000 for stealing from two stores. He stole two lighters from Canadian Tire (to use to smoke marijuana) and a sweater from Mark’s Work Warehouse. In January 2018 he was charged with theft over \$5,000, and breaching bail conditions when he stole a vehicle from a rural home. The police stopped him, and the vehicle was returned to the owner undamaged, along with a written apology before she noticed it had been missing.

John’s charges took over eight months to resolve, with over thirteen remands which ultimately resulted in him being placed at an extreme disadvantage. John permanently resides in a First

Nation approximately 5 hours driving distance or 320 air miles from Thunder Bay. However, the high number of remands made it impossible, both in terms of time and money, to travel home in between and thus he was forced to remain in Thunder Bay. John resided at the Salvation Army Men's Shelter- quite far from the courthouse. Living at the shelter caused him a great deal of stress. On days he was required to appear in court he had to figure out how he would find transportation to the courthouse, how long he would be present, and how he would find a meal that day. Eventually he pleaded guilty and was sentenced to 12 months of probation.

Case Study Analyses

In the case of K, we witnessed a prime example of how the justice system is used as a means of accessing services. Encouraging youth to plead guilty to obtain access to services and treatments that are otherwise unavailable is regressive and does not center the youth. These youth are also being sent south in order to be able to receive these services and treatments. Furthermore, this case is an example of the problematic nature of placements in the Far North and in Thunder Bay. Youth are being left without any options to be able to return to their home communities putting them on a trajectory that leads to a further penetration of both the Child Welfare and Youth Justice systems. Overall a lack of services, treatment, placements, and programs is promoting the development of cross-over youth in Thunder Bay and the far north.

One of the largest barriers John faced was a lack of reliable and affordable transportation in the Thunder Bay region. Not only was John unable to return home because of transportation barriers and a high number of remands, he also faced transportation barriers within the city of Thunder Bay. This left John unsheltered and without the assistance of a responsible adult to help him make his court appearances. This puts John at a disadvantage in comparison to youth who are able to reside with family or parents during the court process. Once again, a lack of services, and placement options in the Thunder Bay region left John alone and fending for himself, placing him in a survival situation which could attribute to his further penetration of the Youth Justice System.

DISCUSSION

It is unacceptable to encourage a youth to plead guilty, with a main motivator to provide youth with rehabilitative services they would receive whilst in custody. The justice system should not be the sole access point for youth in dire need of support. Rehabilitative or

supportive services should be available to youth prior to their entrance into the justice system. This exemplifies the need for early intervention and appreciating youth holistically.

Committee members have identified the need for stakeholders to possess updated contact information of central workers from the organizations that work alongside cross-over youth. Lawyers and court workers have identified the need to have contact information of organizations readily available, thus ensuring when youth are in court and unaccompanied by family/workers no resources are missed. Such as those related to: housing, food, shelter, and similar services. Preferably, a permanent cross-over youth employee would be present at the courthouse to provide this information.

Situation Table

In November 2017 the Thunder Bay Situation Table initiative launched. The initiative includes representatives from over thirty organizations, across sectors including mental health and addictions, justice, social services, employment and education, to help those at risk of criminalization.

Community partners can refer cases to the Situation Table, which meets twice a month to create coordinated action plans, to support specific and complex situations. The resulting interventions are short-term; however, individuals receive access to appropriate services typically within forty-eight hours. For more information on this initiative contact coordinator Mooriah Maddock at mmaddock@cmha-tb.on.ca or 345-5564 extension 382.

CONSIDERATIONS FOR POLICY AND PRACTICE

Understanding of various treaties and the implications on jurisdictional issues, and the responsibilities for the care of children and youth

Stakeholders should have a thorough understanding of the various treaty lands on which they live and work, and how these agreements impact child welfare agencies, in particular who holds jurisdiction over which youth. Eighty six percent of cross-over youth observed are First Nations and nearly half (45%) of observed youth are from or reside at least part of the time in locations other than Thunder Bay. Two Indigenous child welfare agencies (Dilico Anishnabek Family Care and Tikinagan Child and Family Services) exist in Thunder Bay, both having unique service areas.

Dilico Anishnabek Family Care's jurisdiction includes:

Animbiigoo Zaagi'igaan Anishnaabek (Lake Nipigon), Biigtigong Nishnaabeg First Nation (Pic River), Biinjitiwaabik Zaaging Anishnaabek (Rocky Bay), Bingwi Neyashi Anishnaabek (Sandpoint), Fort William First Nation, Kiashke Zaaging Anishnaabek (Gull Bay), Long Lake #58 First Nation, Micipicoten First Nation, Pawgwasheeng (Pays Plat), Pic Moberg First Nation, Red Rock Indian Band, and Whitesand First Nation.

Tikinagan Child and Family Services jurisdiction includes:

Aroland First Nation, Bearskin Lake, Keewaytinook Okimakanak (Deer Lake), Bizhiw-zaaga'iganiing Nitam Anishinaabeg (Cat Lake), Eabametoong (Fort Hope), Fort Severn, Koocheching, Gasabaanaka Nistam Anišininiwaad (Kasabonika Lake), Kee-Way-Win, Kingfisher Lake, Kitchenuhmaykoosib Inninuwug (Big Trout Lake), Obishikokaang (Lac Seul), Keewaytinook Okimakanak (McDowell Lake), Marten Falls, Mishkeegogamang, Muskrat Dam, Neskantaga, Nibinamik (Summer Beaver), North Caribou Lake, North Spirit Lake, Pikangikum, Poplar Hill, Sachigo Lake, Negaw-zaaga'igani Nitam-Anishinaabe (Sandy Lake), Saugeen, Slate Falls, Wapekeka, Wawakapewin, Webequie and Wunnum Lake.

Both agencies also provide child protection services to families from their communities who reside in Thunder Bay. These communities belong to different treaties, notably Treaty 9 (the James Bay Treaty), Treaty 3, and the Robinson Superior Treaty of 1850.

“Non-traditional” Placements should be advocated

Child welfare agencies should be open to more non-traditional placements that meet the needs of youth. One of the recurring issues for youth in case conferences is in regard to placement. Child welfare will often only offer the youth one choice, whereas the alternative to this choice is to remain in custody if they do not agree to their recommendation. Thus, there is a need for non-traditional placements. Independent or semi-independent living is not right for every youth, however the majority of youth advocate for it. Child welfare agencies should adapt their placement departments towards finding reasonable solutions to these demands. If adapted, the results not only benefit the youth but the justice and child welfare system will also benefit. This will be seen in the form of reduced missing persons reports and administrative breaches. The Children's Aid Society subcommittee developed a best practice model that includes new considerations. Presently, child welfare is not properly taking the risks associated with group care into consideration. The trauma of being removed from

community supports and the high risk of incurring additional charges in a group home are not being calculated in the point of crisis. COY's casework has demonstrated that workers only take into consideration the risks associated with non-traditional placements, while the potential benefits are disregarded.

Communication protocols between child welfare agencies, First Nations

Communications protocols should exist whereby child welfare agencies and First Nations officials are contacted when a youth is in conflict with the law. Close to half (45%) the youth seen at the Thunder Bay Court are residents, some part time of First Nations communities or rural communities. In a few instances First Nations youth were required to remain in custody due to a lack of appropriate guardians to whom the youth could be released.

Opportunities to have diversion supervised in other communities

Youth, who reside in locations outside of Thunder Bay and have been approved for diversion, should have the opportunity to have the programming supervised or overseen in their home communities. Nearly half (45%) of youth who had their cases dealt with at the Thunder Bay Courthouse do not permanently reside in Thunder Bay. Thunder Bay has high rates of approval for diversion programming, yet many youth are required to stay in Thunder Bay to complete this programming due to a lack of programming in their home communities. Creating partnerships with service providers in other communities' youth who do not have to remain in Thunder Bay will be free to return home. Therefore, ensuring strong social bonds and ties with their community; this improves sense of self and satisfies a youth's 'criminogenic needs' (Lockwood, Peterson-Badali, & Schmidt, 2018; Skeem, Winter, Kennealy, Loudon, & Tatar-Joseph II, 2014). Criminogenic needs must be considered when entering a discussion of limiting cross-over youth's re-offending patterns.

Child welfare workers should be present at all youth court dates.

On multiple occasions cross-over youth who were in custody were forced to remain there, only because there was no child welfare agency representative present that the youth could be released to. Additionally, by having representatives from child welfare agencies present on youth court days provides a resource for the youth and their families to help them understand the processes and their options.

Permissive Bail Conditions

The decision in *R. v. Antic* calls for the least restrictive form of release along with the least complex conditions. The decision applies to all release decisions including on a Police Officer's discretion to release a youth. It was noted that Justices in Thunder Bay are placing meaningful conditions on youth. They are mindful of the context of youths' lives, by virtue of this they are not setting them up for failure by imposing conditions youth are likely to breach. Yet, it is telling that the most common charge for cross-over youth were administrative breaches (29%). By creating conditions that youth can abide by and are meaningful, the likelihood of positive outcomes for youth is increased.

SUMMARY

In conclusion gaps within and between the service sectors, agencies and processes creates barriers and challenges for youth. Without proper placement options, transportation, communication, and access to services before justice involvement the system is setting youth up to fail. Youth facing these barriers are being placed on the trajectory to become cross-over youth if they aren't already, or they are being placed on a trajectory that will result in their deeper penetration of these systems.

Theme Four: Issues with Out of Home Placements, Charges, and Charging Practices

"I just feel like a file, like a number." - Cross-over Youth

A number of the youth report that they were not satisfied with the care they received from their guardians once entering the child welfare system. Their placements within group homes are extremely restrictive and rely on police involvement almost exclusively when behavioural issues arise (Bala, Finlay, De Filippis & Hunter, 2015). 'Oppression' is a political tool of domination over certain bodies, through psychological, cultural, physical, social or economic force. Oppression operates within group homes and is a distinct theme of many cross-over youth's lives in Thunder Bay. In order to exemplify this consider property destruction by cross-over youth within their group homes. This can be understood and manifest as 'retaliation' enacted on the institution(s) that oppress them (Bell, 2012); whether that is the group home itself or the child welfare system that placed them there. The out-

of-home care experiences of the young people involved with the Project align with the existing literature highlighting the problem of group care settings acting as both a gateway into the youth criminal justice system (Cross-over Youth Project, 2015), and a space that further promotes a young person's deeper penetration into the youth justice system (Robst, Armstrong, & Dollard, 2011). 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 youth justice system (Finlay 2003).

"We're just money to them." - Cross-over Youth

QUALITY OF CARE

When reviewing the period of 1978 to 2017 of 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. These themes are presented as a chart in Appendix A, outlining 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. Across this nearly forty-year time frame many concerning themes arose and persisted, leading up to consistent recommendations for change with minimal follow through. For example, 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.

One of the major issues that contributes to the theme identified is the ambiguity of these standards, which allows residential care facilities to develop their own policies that may be neglectful to the rights of young people. This issue persists into the development of programming, as reoccurring themes include 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 Ombudsman, as the Provincial Child Advocate's Office has been closed. Moreover, the

mechanisms 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).

*“It feels like they are just checking boxes –
and sometimes they aren’t even checking those boxes!”
- Cross-over Youth*

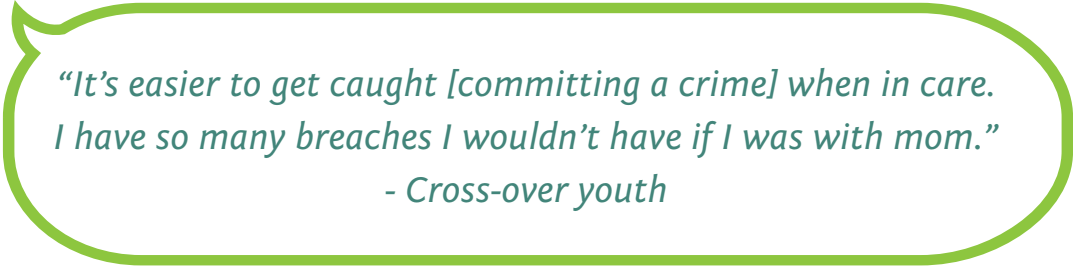
EXCESSIVE NUMBER OF PLACEMENTS

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, 2004; Widom & Maxfield, 2001). In Thunder Bay the average number of placements for youth was fourteen, but one youth reported more than fifty placements across the country. Another youth reported one hundred and twenty. 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). These consistent moves are understood as a loss, it is the Project’s experience that youth were never offered opportunities to heal, instead service providers expected that these young people instantaneously adapt. While many cross-over youth are coping with their layers of trauma, a placement move becomes another trauma that they are healing 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. Not only were youth being moved numerous times but particularly in Thunder Bay youth were being moved extremely far away from their home communities, including to different provinces, and especially to Southern Ontario.

CHARGING PRACTICES IN OUT OF HOME PLACEMENTS

Young people in out-of-home care (group care and foster home placements) are significantly over-represented in the youth justice system both internationally and within Canada (Bala, Finlay, De Filippis & Hunter, 2015; Colvin, McFarlane, Gerad & McGrath, 2018). The most frequent charge observed for cross-over youth was administrative- failing to comply with

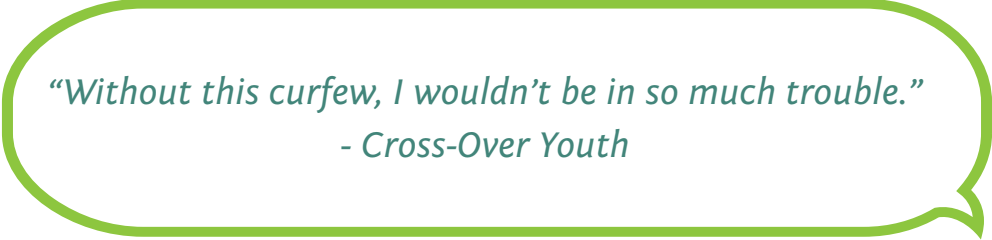
conditions (recognizance or probation). The intended legal premise of bail orders that are attached to conditions of release is to ensure the youth returns to court for their hearing, while attempting to constrain their behaviour while out in the community (Myers & Dhillon, 2013). However, as exemplified in this dataset cross-over youth are subjected to harsher restraints when they are also in care.



“It’s easier to get caught [committing a crime] when in care. I have so many breaches I wouldn’t have if I was with mom.”
- Cross-over youth

There are encumbering concerns that cross-over youth face by virtue of their positionality and system involvement. For instance, they are more likely to receive harsher punishments, such as being remanded rather than released, in comparison to their justice-only-involved peers (Gordeyko, 2017). The Project observed a lack of staff training in regard to de-escalating a situation with a trauma-informed lens. Often residential care staff escalated situations and relied heavily on police enforcement.

Cross-over youth are also subject to onerous, trivial and vague bail conditions (Scully & Finlay, 2015; Sprott, 2012; Sprott & Myers, 2011). Due to the nature of these conditions many accused youth obtain a new charge as a consequence of failing to comply with the court order (Myers & Dhillon, 2013; Sprott, 2012). This exemplifies the need to lay conditions that are appropriate and support cross-over youth’s reintegration, rather than conditions that result in the procurement of supplementary charges, such as breaches. Instead of viewing a young person’s behaviour as the catalyst for subsequent involvement in the youth justice system, it is clear their involvement is due to processes of ‘care-criminalization’ (McFarlane, 2016).



“Without this curfew, I wouldn’t be in so much trouble.”
- Cross-Over Youth

“He has a couple of substantive offences that are serious, but the rest are breaches and he’s in care and it got down to the point where the group home is calling because they are mandated to do so, and police are charging. He has 30 charges before the court and they are mostly of the administrative breaches. Recognizing police didn’t use their discretion when charging. Recognizing that youth can’t follow curfew or no drinking and those shouldn’t be sanctionable and its indicative of the issues the youth is facing” – COY Stakeholder

CASE STUDIES

Case 1

Jason was originally placed with a foster family, however when he became involved with the youth justice system he was moved into a group care setting. Jason ended up with a series of charges while living in group care. Although his original charge did not occur within the group home the bulk of Jason’s multiple charges are directly related to his being in care. He has since accumulated an additional 19 charges the majority of which are administrative breaches. These breaches resulted from calls from his group home when he returned to the residence under the influence of alcohol or neglected to return home at all. Jason finds most of his bail conditions to be fair. It is his ten pm curfew that he has the most difficulty complying with. His group home is located in a rural area, far from any friends or facilities that provide youth programming. Finding his way home for that hour can prove to be difficult.

Case 2

Damon acquired his first charge in a group home at the age of twelve. He was charged with assaulting a youth and a youth worker in his group home. The youth he assaulted had threatened to sexually assault his toddler sister. Damon then directed his anger towards this youth and his youth worker, who did not take the threat seriously.

Case 3

John found his time in foster care overall to be positive. He reports that he learned manners and was provided with a structure that was lacking at his mother's home. He was placed with his grandmother, until she passed away when John was fourteen. After his grandmother's death he lived in groups homes in both Sault Ste Marie and Pic River. John mentioned that in some ways he liked being "caught" breaching his conditions and being held accountable. He knew the consequences of his actions and felt a certain level of safety within those consequences as being exactly as described.

Case Study Analysis

Through the examples of the above cases we can establish the ways in which group care settings can lead to or increase justice involvement for youth. Both Jason and Damon as well as other youth the Project observed received their first charges while living in group care. Additionally, the Project found that youth were receiving high numbers of administrative charges and breaches due to the policies and practices of both group home staff, and local police when behavioural issues arose. Group care settings have the potential to be helpful places for youth when staff are properly trained and use the three pillars of child and youth care practice in their approach. In the case of John, he enjoyed the structure and routine of the group care setting, something that he was lacking in his previous living environment.

DISCUSSION

Group-care settings, particularly in Ontario, are often considered by Child Welfare 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. It was the Project's experience that many cross-over young people, especially those entering into the child welfare system as older youth, were streamlined into group-care settings. For those concerned with preventing child welfare involved young people from crossing over into the youth criminal justice system, this is may be setting them up to fail for several reasons.

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. The Project believes that in almost all of these instances, group home related charges

and breaches could be avoided if youth-centered, trauma informed, and anti-oppressive principles informed the provision of care in residential settings. Child welfare agencies hold 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). Coupled with the understanding that cross-over youth are often young people who enter into the child welfare system with complex treatment needs, foster-care settings should be prioritized as suitable placement options.

STAFFING

A lack of qualifications of direct-care providers (Gharabaghi, 2019) is an overwhelming characteristic of Ontario group-care programs which directly impacts the quality of care a young person receives. This is concerning for several reasons, 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 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 deters from a young person's sense of safety both in the group-care setting, and in their relationships with group-care staff. Young people must first feel a sense of safety in their environment and in their relationships before they can begin to heal of childhood trauma and maltreatment.

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). 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 out of their home community. Ensuring 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 where young people through are over-surveillance are robbed of their privacy (Gharabaghi, 2019). Then, young people 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 wellbeing and success. Therefore, discretion should be used to understand the individual experiences by centering the youth. Youth require additional support, guidance and compassion during their transition period into the home.

INSTABILITY

The Project found that the instability experienced by young people's constant relocations increased the likelihood of a youth to re-offend. The literature recognizes that young people who experience placement instability often come from complex family background, characterized by a combination of adverse circumstances (i.e. poverty, abuse, domestic violence). "These complex family backgrounds not only resulted in the placement of the young people in care, but also contributed to their levels of emotional and behavioural maladjustment and, consequently, these young people were at increased risk for placement breakdowns" (Malvaso & Delfabbro, 2015). Osborn, Delfabbro and Barber (2008), explain that this is further exacerbated by the common treatment youth experience in out of home placements, as a young person who resides in such a setting is more likely to be moved rather than offered adequate supports. As suggested by Goodkind, Shook, Kim, Pohlig and Herring (2012), the risk to engage in offending behaviour is mediated by the level of placement instability experienced by a young person. The Project found that instability arose as placements were no longer to care for a young person's "high behavioural needs". However, this has more to do with the lack of training of staff and the meagre engagement and participation of a young person into the community.

CONSIDERATIONS FOR POLICY AND PRACTICE

Implement Youth Centering

All stakeholders who work with cross-over youth should implement a youth-centering approach. To ensure that the principles of youth centering are adequately understood, training is required. Upon completion of training, stakeholders will understand what is meant by youth-centering and distinct strategies to achieve the centering of youth voice. Many stakeholders, while well intentioned, mistakenly believe that listening to youth suffices as youth centering. The Project recognizes this is an inadequate approach. While, it is important to cultivate a space where youth are heard and respected, they must also be empowered.

Group home charging practices

Charging practices by group care operators should be reviewed and used only in appropriate circumstances when all other options have been exhausted. Many youth received charges stemming from their residence in various group homes. In some instances, these charges arose out of “typical” teenage behaviour. Such as: returning home late, or consuming alcohol. Training on alternatives to relying on police to parent/discipline should be offered to group home staff. Additionally, training around when and if it is appropriate to contact law enforcement should also be asserted, thereby not criminalizing youth behaviour. Given the high rates of FASD and neurological concerns experienced by many cross-over youth, workers should be educated on how to work with youth who have these diagnoses. Central to this is employing a trauma informed approach to understanding the neurological effects of trauma, such as adverse childhood experiences which affects a youth’s behaviour. The Project with cooperation from Belleville Police Services created ‘Considerations for Best Practice: Group Care Settings (Appendix B).

Increased use of pre-charge diversion

In an effort to keep cross-over youth out of the justice system police should explore options for pre-charge diversion or alternative measures. It is promising that over half of the cross over youth had either their charges withdrawn and marked diverted or were in the process of completing diversion programming. However, data on pre-charge diversion is lacking. A number of police officers involved with this project indicate that pre-charge diversion is occurring, but no formal accounting of the number of youth who are being diverted has been studied. Both the Thunder Bay Indigenous Friendship Centre (Youth Justice Committee and Aboriginal Community Council), and Nishnawbe Aski Nation Legal Services Community Council accept youth for pre-charge diversion.

An analysis of rates of diversion, an understanding of what youth and what types of charges are diverted, and outcomes from pre-charge diversion (such as effectiveness in diverting youth from the justice system completely) should be undertaken to determine the impact of pre-charge diversion on cross-over youth.

TRAUMA-INFORMED PRACTICE AND TRAUMA-INFORMED LENS

Stakeholders and services providers who work with cross-over youth should work from a trauma informed perspective. Research has demonstrated that individuals who experience

trauma require long-term and consistent intervention. Many cross-over youth have been exposed to adverse childhood experiences, which has resulted in their child welfare involvement. It should be understood that being a dually involved youth and system proceedings attributed to this demographic, 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 & Indig, 2013). The youth the Project engaged with indicated that they recognize the impact trauma has had on their lives, and how it impacts their behaviour and continues to impact their development. Behaviour correction will not be achieved through punishment and/or isolation. Diversion programs should not be limited to first time/minor offences for cross-over youth. Community safety interventions should be guided by trauma-informed practice and away from antiquated notions of personal responsibility. These methods are short-term solutions. 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 youth express themselves through is encumbered in experiences. It is recommended that strength based neurosequential approaches are adopted within group homes, which places trauma throughout the life course in perspective.

SUMMARY

Group care settings currently play a large role in the lives and offending patterns of cross-over youth. Between the lack of standards in the quality of care, excessive numbers of placement, limited staff training, and charging practices youth in care are deeply penetrating the youth justice system. These youth end up with additional breaches they likely wouldn't be receiving in their family homes or in foster care settings. Multiple charges, resulting in multiple placements leads to increased traumatic experiences for these youth, adding to layers of trauma that already exists, creating a vicious cycle of trauma. Group care in Ontario is under critical speculation in the fields of Child and Youth Care and there is a well-founded call for a complete reformation of the industry to better support youth and to limit their crossing over.

Theme Five: Mental Health and Trauma

OVERVIEW

“It was obvious to us that this youth needed mental health services and back up food water and love and family.”
- COY Stakeholder

The correlation between child maltreatment, trauma and a young person’s involvement within the youth criminal justice system is well-documented throughout literature. Young people who are involved in the child welfare and youth justice systems 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 impacts 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; Hanauer, 2015; Oudshoorn, 2015). In addition to being more likely to have child welfare involvement and substance abuse issues, 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 et al., 2013). The findings from Dierkhising et al.’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”.

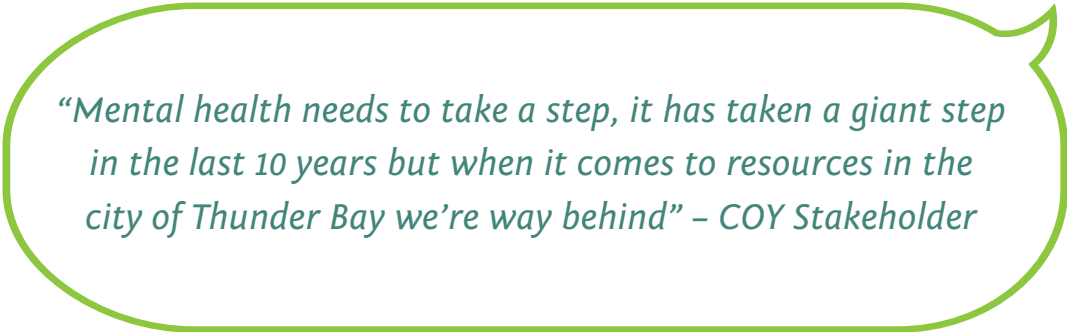
“I think there are quite a few youth struggling with mental health issues, trauma, grief etc.”
- COY Stakeholder

COMPLEX HISTORIES OF TRAUMA AMONG YOUNG PEOPLE IN THE YOUTH JUSTICE SYSTEM

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 et al., 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". Traumatic experiences not only shape the way young people see the world, but they also put them on paths that they did not necessarily choose for themselves (Oudshoorn, 2015). The life experiences of young people involved with the youth justice system are often characterized by poverty, violence, and neglect at the hands of their parents and care-givers (Oudshoorn, 2015). For many young people, symptoms of such trauma include heightened levels of stress, which presents itself through externalized behaviours of which impact a young person's choices (Oudshoorn, 2015).

Consistent with findings in the literature, the Project found that cross-over youth have multiple diagnoses – often concurrent diagnoses – and untreated mental health concerns. Previous studies have emphasized that cross-over youth struggling with mental health are often missed or misdiagnosed, and child welfare agencies are failing to provide mental health services for the youth in their care (Bai, Wells & Hillemeier, 2009; Gordeyko, 2017; Jonson-Reid & Barth, 2000). This is largely due to inadequate interagency collaboration and communication between child welfare and youth justice systems with mental health service providers (Bala, et al. 2015; Finlay, 2003; Gordeyko, 2017; Lenhoff, Jones-Kelley & Abbott, 2017).



“Mental health needs to take a step, it has taken a giant step in the last 10 years but when it comes to resources in the city of Thunder Bay we’re way behind” – COY Stakeholder

COLLECTIVE (HISTORICAL) TRAUMA AND INDIGENOUS YOUTH

There is no shortage of literature on the mental health crisis occurring in Canada's Indigenous populations. Substance abuse, addiction, alcoholism, and suicide are all large topics within the literature. Indigenous people's face a long history of oppression and violence through colonialism and racism, that has created years of long lasting trauma within these communities. As Baskin (2016) states:

[T]he near destruction of a land-based way of living, economic and social deprivation, substance misuse, the intergenerational cycle of violence, the breakdown of healthy family life, and the loss of traditional values for many Indigenous people today are the direct result of colonization and ongoing systemic oppression.

Throughout their history the Indigenous have faced racism, genocide, and the complete destruction of their land and culture as a direct consequence from the colonization of the Americas. In Canada's more recent history residential schools aimed at assimilating Indigenous people into white Christian society were extremely traumatizing affecting the survivors of these institutions and the generations to follow. Historical or intergenerational trauma is "defined as cumulative emotional and psychological wounding across generations, including the lifespan, which emanates from massive group trauma" (Brave Heart et al., 2011). Although both historical and intergenerational trauma are used as the terms to describe this phenomenon throughout the literature, for the purpose of this report we will be using Baskin's (2016) term "collective trauma". The purpose of using the term collective trauma is to emphasize that all Indigenous people are affected by colonization, both in the past and present regardless of their individual experiences (ex. Surviving residential school or not). As Baskin (2019) acknowledges the terms intergenerational trauma and historical trauma can place onus on a group of parents for passing on their trauma and does not consider that colonization is ongoing, and people are still experiencing trauma on a daily basis. Collective trauma is passed down through generations by creating circumstances that disadvantage that generation and the ones to follow, such as poverty, poor health, poor living conditions, substance abuse and so on. People who may be living in such circumstances may find it more difficult to pass on appropriate care, love and knowledge to future generations, who are experiencing second hand the trauma experienced by their parents and families.


When it comes to mental health and Indigenous people and youth it is viewed as holistically, including elements of body, emotion, mind and spirit, and environment (Baskin, 2016). This is a key element to better understanding the mental health of youth as treatments so often

are focused on individualized healing and only address issues of body and mind. Another important notion of mental health includes healthy community, on that is on it's traditional lands, and shares language, culture and ritual (Baskin, 2016). Unfortunately, as previously stated, due to a lack of services and treatments in the far North and Thunder Bay many youth struggling with Mental Health were sent to the southern regions of Ontario, only to return to a community that was still unhealthy in which any progress may be diminished. Ultimately to better address the mental health struggles of Indigenous youth there needs to be larger scale impact that is accounting for the collective trauma that this entire population is burdened with. It is clear from the literature that despite some community differences Indigenous people as a whole share this sense of collective trauma and identify with it first and foremost before their individualized experiences (Brave Heart et al., 2011).

As Baskin states “despite the tremendous horrors of colonization and its ongoing implications for Indigenous Peoples today, including the fact that our rates of youth suicide, incarceration, and addictions are higher than that of the non-Indigenous population, the majority of us are not in prison, addicted to alcohol and drugs, or violent. By recognizing this fact and focusing on families that have found the strength and ability to remain healthy we may be able to identify what is necessary to help the rest of the population heal (Ross, 2008 in Baskin, 2016).

LACK OF SERVICES

Both the Belleville and Thunder Bay Steering Committees report that a disproportionate number of Northwestern Ontario Indigenous youth are being sent to Southern Ontario for treatment that is unavailable in the North. They relocated to southern Ontario as there are no medium to long term crisis beds for youth. Within the focus group, three of the five youth had spent time in cities other than Thunder Bay and their home communities to receive specialized treatments.



“They need mental health services and there’s none in the north and a lot of kids have FASD and suicide crisis. That’s a big gap” - COY Stakeholder

CASE STUDY

Case 1

After the passing of his grandmother C.P began using drugs, mostly marijuana but also, “anything he could get his hands on – pills”. At the age of sixteen he participated in in-patient drug rehabilitation and he no longer uses opiates. He reportedly liked the people he connected with at the rehabilitation centre. Additionally, it was within this space he was able to detox. This was something he attempted to do in the past, however was unsuccessful doing so while unsheltered.

Case 2

Erik’s anger issues have been long identified. The lack of therapeutic group homes in Thunder Bay means that he has not been receiving the programming he reports has worked for controlling his anger, since he has returned to Thunder Bay. By virtue of having suitable therapeutic group homes in Thunder Bay, the potential to meet Erik’s needs appropriately is feasible which would equip him with the tools necessary to de-escalate himself when feeling enraged and thereby avoiding further contact with the youth justice system.

Case Study Analysis

For both of these youth having a safe space to work on their mental health issues was important. Their environments had an impact on their progress through programs. In the case of Erik this environment was completely removed from him upon his return to Thunder Bay because a program similar to the one in participated in, in Southern Ontario, was not available in the north.

John identifies as First Nations and therefore his substance abuse can be attributed to the results of collective trauma, as seen with many Indigenous peoples. Complex family histories linked to generational or collective trauma impacts these youth’s mental health more severely than others. Trauma in the case of cross-over youth is already multi-faceted and collective trauma is another added layer.

DISCUSSION

In Thunder Bay, a consistent theme was the mental health crisis that is omnipresent among Indigenous youth in their community and from the remote far north communities. Equally

concerning is the dearth of local resources to deal with the crisis. The Thunder Bay steering committee and community stakeholders worked together on a proposal to convert existing and underutilized youth justice facilities into mental health treatment beds. The idea was to provide a model of care from qualified, trauma informed, experienced, trained staff sharing a unifying theoretical framework. The staff would establish a culture within the home that is conducive to youth in mental health crisis. The proposal built heavily on existing community resources, partnerships, collaboration and coordination of a cross sectoral network of services, some of which was built at the Project's steering committee table. The purpose of the model was to provide supportive housing intensive treatment/care, education and skills development, reintegration and aftercare to youth with complex mental health needs. The beds would be reserved for youth who have complex needs involving any or all of the following: mental health, emotions regulation, substance use, youth justice, education challenges, trauma, and family dynamics. The community was adamant that this proposal was the minimum required to even start addressing this issue and many further steps were needed before there would be a noticeable impact.

"We put out the proposal to anyone who would listen. Never got a no but "not right now". They can't see the need for it. How is that not needed, I've been out looking for kids that I know are dead. That's fucked up, how is that not a reason." – COY Stakeholder

Many cross-over youth have been exposed to adverse childhood experiences, which has resulted in their child welfare involvement. It should be understood that being a dually involved youth and the multiple system proceedings they must endure are in themselves traumatic. For instance, court appearances or being placed in group care. "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 & Indig, 2013, p. 868). 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 home setting. As a result, group home staff are unable to handle the situation, which escalates, and the young person is charged.

Indigenous cross-over youth are even further impacted by collective trauma, and the ongoing colonization and oppression they face within these systems. The literature recognizes that traditional cultural practices are favoured as the best way to induce healing and recovery (Brave Heart et al., 2011). Not only are Indigenous youth facing more pervasive mental health issues but their access to services is further limited than that of their non-Indigenous counterparts, “too often Indigenous children and youth have been left to suffer from an absence of care for their basic medical needs that severely impact their ability to live a full and salutary life” (Walker et al., 2018).

CONSIDERATIONS FOR POLICY AND PRACTICE

Trauma-Informed Practice

Cross-over youth have complex needs, which must be considered by court stakeholders when delivering ‘consequences’. Trauma is a common theme within the lived realities of many young people served through the Project. This underscores the recommendation that all parties adopt trauma-informed practice models when being with cross-over youth. The justice system operates in a manner that is traumatizing in and of itself. The system is based on behaviour correction through punitive isolation, such as detention. The youth justice system prizes personal accountability, escalation of consequences and positive demonstrations of respect and contrition. Current literature and clinical experience demonstrate that traumatized individuals need unconditional treatment and long-term, continual relational intervention. It must be emphasized that traumatized youth have a heightened response to unsafe circumstances whether perceived or real. Therefore, behaviour ‘management’ informed treatment and interventions that favour punishment and/or isolation will not foster positive outcomes for cross-over youth. As such, the Project recommends that stakeholders diversion programming be implemented more broadly within youth justice.

SECURE TREATMENT OPTIONS

In January 2017, based on input from youth service providers, Ministry of Children and Youth Services staff and community members, a proposal was sent to Assistant Deputy Ministry David Mitchell, to designate beds as secure treatment beds for youth in Northwestern Ontario. Recognizing the need for secure treatment options for youth in Northwestern Ontario, and the underutilization of five open custody/detention beds designated for boys, a proposal was sent to ask the government to turn those beds into secure treatment beds. Unfortunately, this proposal has not been approved as of the writing of this report.

Safe and Sobering Site

In June 2018 Thunder Bay City Council, the Police Services Board, Matawa First Nations, and various health and social service agencies announced a proposal for a Safe and Sobering site had been submitted to the Ministry of Health and Long-Term Care and was awaiting approval. This is a harm reduction initiative targeted to youth who experience addiction. The site will provide services to young people under the age of twenty-five who are unable to return to their homes, or guardians, or facilities while being impaired. Counselling and other medical and social supports will be provided to youth.

Specialized Approach to Youth with Fetal Alcohol Spectrum and other Cognitive Disorders

There is recognition that many of the cross-over youth in our region are diagnosed with Fetal Alcohol Spectrum Disorders (FASD). Specialized approaches are required to meet the needs of these youth. The committee also recognized the necessity to address the needs of all youth with neuropsychological disorders, including FASD. Stakeholders should develop policies that promote an understanding of neurological impact of the disorder and develop less restrictive approaches to addressing the behavioural consequences in recognition of the requisite diminished personal responsibility.

SUMMARY

Mental health is a substantial concern for cross-over youth. Both the current literature and the experience of the Project that there is a link between child maltreatment and youth justice involvement. Both are traumatizing situations that affect the psychological development of youth. In Thunder Bay, it is particularly important to acknowledge the role that collective trauma and on-going colonization plays for Indigenous youth and their differential experiences within these systems and in terms of mental health.

Theme Six: Impact of a Lack of Youth Centering

OVERVIEW

Current literature (Spencer, Gowdy, Drew, & Rhodes, 2019), government strategic plans (Ministry of Child and Youth Services, 2016), and youth-serving agencies and service providers (Turning Point, n.d.) have established the importance of youth-centering 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 within their lives. Seeking to address this, the Project's early identification of youth-centering was established as a framework to support dually-involved young people. As both a pillar and best practice, youth-centering is informed by the United Nations Convention on the Rights of the Child's (2009) proclamation that young people have the right to be listened to and be heard, especially regarding decisions that impact their lives.

As Gharabaghi (2019) explains, for young people, having a voice is not synonymous with having an impact. To this end, 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-centered 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, acting 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).

“I would say that defence counsel became more and more adept at discovering what the realities of their clients were and using that when they communicated with the court and the Crowns when dealing with the charges kids faced I would say the chances of those kids staying in custody pending trial dropped as a result of that new consciousness and the chances of the kids getting custodial sentences dropped. Crowns became better at going yea that’s a reality”
– COY Stakeholder, Judge

ADVOCATING FOR YOUTH

“They [parents] rattle the cages or come to me for help, but child welfare workers are often very young they don’t have a lot of experience or the confidence to stand up and push back and they are tired their caseloads are big”

– COY Stakeholder, Crown

Another issue that was observed by the Project was the ability of workers and guardians to advocate for youth. Many stakeholders stated that in their experience workers did not advocate for youth to the same extent that parents would. In the case of many cross-over youth, workers are their acting parents and their sole support system. One stakeholder stated that they believed that youth workers are overloaded, overwhelmed, and experiencing burnout due to the high demand of their work. They are not able to approach advocating with the same tenacity and force that a parent might for their own child. The Project however observed the impact that a good worker can have on a youth. One youth, Jason, attributed many of his more positive experiences to the support and understanding of his worker.

“I wouldn’t be doing good if it wasn’t for him [social worker].”

– Cross-Over Youth

EDUCATION: BARRIERS AND CHALLENGES

During stakeholder interviews it was made clear to the Project that stakeholders from the education systems did not have a presence in youth’s cases. Members of the education system did not attend meetings, proved difficult to work with and often were not accepting of justice involved, or child welfare involved youth. The difficulty of collaborating and coordinating with education impacted the youth by making it difficult for them to attend school, especially if it was court ordered. Furthermore, if services and treatment are not wrapped around in all aspects of a youth’s life there is greater risk for recidivism and failure of treatment.

“Education, I find it’s often more of a struggle, the school boards here are very autonomous very reluctant to deal with our kids particularly if they are involved with child welfare, not welcome, a lot of barriers up, drives me mental as it does most of my colleagues.

It’s never about the kids it’s about what they think is best for their school and I don’t remember anybody from the school board sitting at any of the meetings”

- COY Stakeholder

“If you have kids that are having a hard time at home, then school is the next place to make an impact on them” - COY Stakeholder

YOUTH FRIENDLY SPACES

The youth frequently stressed the importance of youth groups and youth spaces. By providing an opportunity for youth to gather in healthy and safe ways their likelihood of becoming involved in the justice system is drastically reduced. Adult allies were reported as important as well. Characteristics of supportive adults included those that: listened to the youth, allowed them freedom and responsibility, as well as providing structure and holding youth accountable.

“I don’t have to go home if something bad is going on. It gives me the opportunity to have some fun for a bit. To forget.”

- Cross-Over Youth

Case Study

Erik's current charges stem from an incident at his school and have had extremely negative impacts on his life. Frustrated, he lashed out at a teacher and threatened her life. He was receiving schooling through the Attendance Centre. Erik's learning disabilities make school difficult and his child welfare worker reports that his education assistant does not provide service at the Attendance Centre. In Erik's experience being with his peers at his old high school provided him opportunities to thrive, and the space was beneficial to his development. P.T and his child welfare worker would like to see him back at his high school, completing his last year of schooling before he turns eighteen. Although Erik and his worker both understood he was expelled from the school district, conversations with the high school have confirmed that he was not formally expelled. While this may appear promising, in actuality it is more of a hindrance. Since, without a formal expulsion P.T is unable to appeal to the Child and Family Services Review Board. While he was still attending school at the Attendance Centre, his child welfare worker reports the true benefit he received from his school-based education was connecting with his support worker and other students. Without his teacher aid and his support networks (friends) the education he is receiving at the Attendance Centre is not meeting his distinct needs.

Case Analysis

The case of Erik is a prime example of the effects of a lack of youth centering. Not being able to address his individual needs and not taking a trauma informed approach led to the escalation of his behaviour and ultimately to his involvement with the youth justice system. The school board and school administrators proved difficult to work with and were vague about his status at the school, making it even more difficult for Erik and his worker to take the next necessary steps to get him back on track with his education. Both Erik himself and his worker have stated the importance of being at school and having the opportunity to network with his friends and connect with his support worker, however there were no steps taken to create a plan around these needs.

DISCUSSION

Youth-centering encompasses 'meeting young people where they are at'. According to Garfat, Freeman, Gharabaghi, & Fulcher (2018), beyond the literal meaning, meeting young people where they are at (Krueger, 2000) involves accepting young people for "how they are and who they are." 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 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 within their lives. Seeking to address this, the Project’s early identification of youth-centering was established as a framework to support dually-involved young people. As both a pillar and best practice, youth-centering is informed by the *United Nations Convention on the Rights of the Child’s* (2009) proclamation that young people have the right to be listened to and be heard, especially regarding decisions that impact their lives.

Being entrenched in multiple systems is exhausting for young people and often entails adult responsibilities that extend beyond their capacities. Developmental responsibilities for non-child welfare 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, highlights reasons for stakeholders to be accommodating and flexible in meeting cross-over youth where they are at. It also highlights why it is important that cross-over youth are surrounded by strong advocates who can assist them and continue to advocate on behalf of youth when these circumstances become exhausting and overwhelming.

CONSIDERATIONS FOR POLICY AND PRACTICE

Advocacy Training

All the stakeholders should receive basic training to familiarize themselves with both the youth justice and child welfare legal system. It is imperative that all stakeholders are advocates for the youth they support. They should be not dissuaded by a lack of knowledge in a particular system. It is compulsory for Child welfare workers to be present for all court dates and act as a guardian for the youth. The lack of vigorous advocacy on behalf of cross-over youth is part of the reason they are treated disproportionately harshly. Workers will often encourage punishment and advocate against their youth without regard for trauma-informed practice. For Indigenous youth this is particularly detrimental due to

systemic injustices, biased social consciousness and fear mongering statistics. An individuals' ethno-cultural intersectional identity is not a by-product of biological criminality. Rather, 'ethnocentric', 'monolithic' and 'Eurocentric' 'social order' privileges dominant bodies and narratives (Crofoot, & Harris, 2012; Crosby, 2016). However, this counter-narrative is casted by subtle forces, such as 'systemic discrimination'. The role of the child welfare worker is to share the counter-narrative that too often is not expressed to the court. The court must be aware of how historical legacies affect youth.

Education

Educators should have a thorough understanding of the impacts of trauma on cross-over youth and how this impacts their behaviour. A number of the youth who reside in either group homes or in custody have their education provided on site. For some youth this is successful, but for some others, particularly those with severe learning or neurological disorders this type of learning is not beneficial. Exploring non-traditional education opportunities that meet the unique needs of cross-over youth is recommended.

Youth Mentorship Program

Along with a permanent cross-over worker, a youth mentor could provide benefits to cross-over youth and the external community. The mentor should work from a trauma-informed and anti-oppressive practice grounded in youth centering. Youth mentorship programs have proven successful at other COY sites. A peer mentor is an individual who understands what is going on with the youth and can follow along the judicial proceedings as a source of support. The implementation of a peer mentor, with lived experience may also allow for easier coordination with other services. A firm understanding of the child welfare system would be necessary, and whenever possible mentors should be matched with mentees with a similar cultural background. Youth mentioned having role models, or other individuals who could potentially have insight into the unique challenges that cross-over youth face as important. There are a number of local organizations well-positioned to take on this role, including the Regional Multicultural Youth Association and the Thunder Bay Indigenous Friendship Centre.

SUMMARY

There are a number of ways in which the lack of youth centering can negatively impact a youth and their experiences within these systems. Cross-over youth pose a unique set of challenges compared to their counterparts who are only justice involved, in that they do not

have an innate and inherent advocate, that parents can be. The Project recognized that not all parents are successful of engaged advocates for their youth but often their presence alone in a courtroom or being a part of the discussion for a plan can influence other stakeholders at the table. Ensuring that staff and stakeholders from different institutions are properly trained and supported in youth centering will allow them to become better advocates for youth and ultimately create more positive experiences for them. There is also a strong need for youth programming that is culturally appropriate and is engaging and inviting creating a safe space for youth. As one youth mentioned youth programs can act as an escape or an oasis for youth where their troubles may not need to be at the forefront, allowing them to feel “normal” and allow for a process of healing.

Summary

STRENGTHS OF THUNDER BAY COMMUNITY

Cross Sector Communication

Although the Thunder Bay community did not adopt formal case conferencing, which was established after much effort at the 311 Jarvis site in Toronto, stakeholders indicate cross sector communication is occurring. This is confirmed through the coordinator’s observations in some instances.

High levels of post-charge diversion

Forty-four percent of the thirty-six cross over youth observed during this project were noted as participating in diversion, and five (14%) had their charges withdrawn and marked diverted.

Nishnawbe-Aski Legal Services Corporation, the Thunder Bay Indigenous Friendship Centre, and the Canadian Mental Health Association all run diversion programming. Nishnawbe Legal Services and the Friendship Centre (Youth Justice Committee) accept both pre-charge (police referred) and post-charge (Crown referred) youth.

During the year of the pilot program COY was approached by the Youth Justice committee to discuss the possibility of tracking outcomes for youth who participate in the diversion programming. However, this research was outside of the scope and capacity for the current pilot.

In order to strengthen the impact of diversion programming and understand the impact, engaging in a thorough evaluation of all diversion programming, inclusive of: informal, pre and post charge would be beneficial. This evaluation should focus on tracking recidivism rates of youth and include interviews with the youth themselves. Therefore, determining if the programming was meaningful to their lives in some way.

Resource Sharing

Local service providers have gotten creative in response to the limited funding they receive. The CCF in Thunder Bay was privy to multiple conversations that demonstrated this collaborative, innovative approach. For instance, the Attendance Centre is working with the Youth Justice Committee (Thunder Bay Indigenous Friendship Centre) to develop a direct-referral and specialized programming when required. Organizations are working together to efficiently use the funding they individually receive to meet the needs of cross over youth in some observed instances.

WILL FOR CHANGE

As evidenced by the high number of community organizations, service providers and grass-roots initiatives who have remained involved in the Project in the 3 years since the inaugural meeting in January 2016, Thunder Bay is committed to improving outcomes for cross-over youth. The program has been funded for only one of those years, and despite the lack of funding, quarterly meetings have been meaningful towards creating responses to meet the needs of cross-over youth in Thunder Bay. During interviews with stakeholders in Thunder Bay they stated unanimously that the Project was a forum for insightful and effective cross-sectoral communication and collaboration. Many stakeholders expressed that even though the Project is formally ending, they intend to continue having meetings and remain connected with one another in hopes of continuing to identify the issues cross-over youth and youth in general are facing in their communities and to begin to create solutions.

“It has strengthened relationships, created relationships where there weren’t any... It’s also done a lot to share the load rather than having increased expectations of each other.”

– COY Stakeholder

“As a consciousness raising exercise it was great, crown, defense, police, all benefited. I suspect that the Thunder Bay CAS consciousness level was increased. Those are the key agencies that need consciousness raising. For defence counsel it was a big wake up and for the Crown too.” - COY Stakeholder

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APPENDICES

Appendix 1:

Overview of the History of Residential Review Standards and Guidelines

Appendix 2:

Considerations for Best Practice: Group Care Settings

Appendix 3:

Steering Committee Members

Appendix 1: Overview of the 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 in 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 reoccurring 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.

History of Residential Review Standards and Guidelines

Theme	Year of Publication	Author	Standards/Guidelines/Recommendations
Staff Hiring/Training		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"> -Provide basic daily care -Provide health care and ensure safety -Communicate and form relationships with child -Manage child's behaviour -Work with groups of children -Set individual plan of care for child -Observe, record and present data on child -Work as a member of a team -Work in and with communities -Develop professional competencies -Follow administrative procedures" (pp.175-180)
	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 residence and ministry policy regarding ethics, codes of conduct, disciplinary procedures,</p>

			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"> - Develop a competency-based package for training reflecting the provincial act and regional and cultural differences - Continue to provide ongoing, consistent training for experienced staff” (pp. 10) 	
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"> - “Current staff members in residential settings have up to five years to meet this requirement. - MCYS move towards establishing child and youth care practice as the required credential for 	

			<p>residential work over the of the next ten years.</p> <ul style="list-style-type: none"> - 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. - Modified requirements are to be developed for Aboriginal people taking into account local resources and 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"> - The New Worker training should be developed through partnership between the child and youth care academic sector and the residential services field. - 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) 	
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"> - 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. - Introducing in-service training and professional development to build and maintain a confident, resilient and highly qualified workforce. 	

			- 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)
Use of Restraints	1978	Ministry of Community and Social Services: Children’s Services Division	“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)
	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"> - Definitions of unacceptable practice varied from facility to facility. - Residences did not place much emphasis on explaining to staff what acceptable intervention alternatives might be.” (pp. 26) <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"> - “Generate and research non-intrusive strategies in volatile situations - Conferences should have workshops that focus on non-intrusive strategies/non-violent intervention - Teach non-intrusive strategies/non-violent crisis intervention - Provide safe and practical training with regard to physical restraints (when, where, how)” (pp. 11)
	2007	Ontario Child &	<p>Recommendations:</p> <ul style="list-style-type: none"> - “That child welfare agencies ensure social workers

		Family Service Advocacy	<p>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</p> <p>- That child welfare agencies ensure that social workers intervene actively in circumstances of inappropriate or harsh treatment on behalf of young people to ensure their safety and to alleviate the young person's distress or fears." (pp. 7)</p>
Youth Voice & Advocacy	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"> 1. Regular, frequent opportunities for children to voice concerns or complaints about matters within the residence that affect them. 2. A more formal internal review mechanism 3. Access to a 'third' person outside of the program 4. Provision to residents of clear information about the complaints procedure <p>Those complaints concerning matters that the residence director believes qualify as serious</p>

			occurrences...should be documented and reported as such." (pp. 47)
1980	Ministry of Community and Social Services: Children's Services Division Consultation Paper		"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 standpoint, ensuring that there is always someone to speak up for the child." (pp. 64)
1984	Child and Family Services Act		"The Minister may establish an Office of Child and Family Service Advocacy to, (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; (b) Advise the Minister on matters and issues concerning the interests of those children and families; and (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)
1984	Child and Family Services Act		"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)
1990	Ministry of Community and Social Services & Ministry of Correctional Services		"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)

			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)
	2007	Ontario Child & Family Service Advocacy	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 - 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)
Accountability	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 &	“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.

		Ministry of Correctional Services	<p>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)</p> <p>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)</p>
	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: - “Each province needs to establish a standardized evaluation format to result in accreditation - Evaluations should have an informative component and emphasize addressing improvements to service, personnel, program and results - Establish national standards for child care” (pp. 32)</p>
	2007	Ontario Child & Family Service Advocacy	<p>Recommendations: - “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 - 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. - 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)</p>
	2016	Ministry of Child and Youth	<p>Recommendations: “The Ministry create one unified, integrated governance structure within the Ministry (a Quality</p>

		Services	<p>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"> - “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 quality performance indicators recommended by the Panel and as may be developed by the Ministry.” (pp. 13) - “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) - “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) - “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)
	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"> - Increasing the number of unannounced inspections of licensed residences. - Establishing Intensive Site Review Teams to conduct enhanced inspections of licensed residences, including interviews with staff and youth, and case file and program reviews. <p>In addition, we are improving oversight by:</p> <ul style="list-style-type: none"> - 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. - Developing approaches to support better

			monitoring and tracking of the placement and movement of children and youth.” (pp. 11)
Case Management & Interventions	1978	Ministry of Community and Social Services: Children’s Services Division	“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)
	1980	Ministry of Community and Social Services: Children’s Services Division	“Because of the extremely mixed response, the assignment of a single prime worker will not be mandatory for all residential facilities.” (pp. 126)
	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)
Prevention/Family Support	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 Consultati on paper	“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: - “Encourage cultural systems to create parallel systems to help families - Assist in the provision of more preventative services which empower parents to provide support and education i.e. groups - Be sensitive to a family’s readiness and capacity to change in order to no disempower the child/family resulting in multiple placements - Provide more time, effort and resources for follow-up services to families” (pp. 24-25) - “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)
	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)
Culturally Sensitive	1978	Ministry of Community	“Ontario’s cultural diversity is to be valued and those groups who want to preserve their cultural or

Programming	1978	and Social Services: Children's Services Division	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	<p>"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)</p> <p>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)</p>
	1984	Child and Family Services Act	<p>"The society having care of a child shall choose a residential placement for the child that,...</p> <p>(c) where possible, respects the child's linguistic and cultural heritage;</p> <p>(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)</p>
	1990	Ministry of Community and Social Services & Ministry of Correctional Services	<p>"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)</p> <p>"MCSS has encouraged the development of native child and family service agencies. Both have engaged in:</p> <ul style="list-style-type: none"> - 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	<p>“...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)</p> <p>Recommendations:</p> <ul style="list-style-type: none"> - “Funding is required for native organizations to provide preventative services for natives... - 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 - Native organizations must be involved in all levels of policy development and implementation - Recognize that traditional child care interventions are not appropriate for all cultures and that non-traditional methods should be required and implemented” (pp. 37) - “Have culturally appropriate programming activities that mirror native values and traditions - Work towards designing tests that are culturally sensitive - Develop programs to be taught in the first language of choice - Develop group care programs that respect the culture and values of the community” (pp. 39)
	2016	Ministry of Child and Youth Services	<p>Recommendations:</p> <ul style="list-style-type: none"> - “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. - 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. <p>a. All cultural competence initiatives must unfold in</p>

			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		<p>“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)</p> <p>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) “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: - “Enhance support systems to assist care-givers in the care for children and youth - Reduce and phase out institutional care in young offenders’ centres - Increase resources and provide them to community/street workers to enhance their effectiveness - Place a stronger emphasis on care plans rather than on assessments” (pp. 41)</p>
2007	Ontario Child & Family Service Advocacy		<p>Recommendations: - “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)</p>
2016	Ministry of		Recommendations:

		Child and Youth Services	<ul style="list-style-type: none"> - “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. - 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 youth for whom a stable residence is required to qualify for bail. - 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)
	2017	Ministry of Child and Youth Services	<ul style="list-style-type: none"> - “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) - “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)

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 centered 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 Center, 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.
- d. 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 is 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 Centering

Youth Centering is a fundamental pillar of effectively providing services to youth in the child welfare system. Our casework has confirmed that many stakeholders interpret youth centering 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 centering. Some of the most common charges youth incur while residing in group care are assault and breaches related to 'running away'. A youth centered 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 centering 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 center youth voice in decision making processes.

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

- 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 centering, 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 centering 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 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 is 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 centered 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 emotion 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 patterns. 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.

As part of this initiative the police send their occurrence report to MCCSS and CAS. MCCSS and CAS can then compare the police occurrence report with the serious occurrence report in order to address any discrepancies between the two.

These conferences are meant for creating and checking up on a wraparound plan. Youth in child welfare require a relational approach for success. That means building strong emotional connections with stable role models. These emotional connections will form the underpinnings to the foundations that guides the youth to make healthy, safe decisions. It is a positive approach to behaviour, which is more effective and healing than a negative, punishment focused approach.

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.

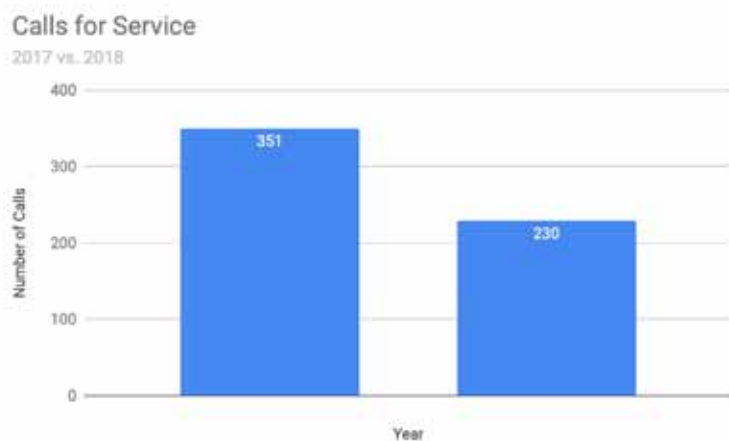


Figure 1

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.

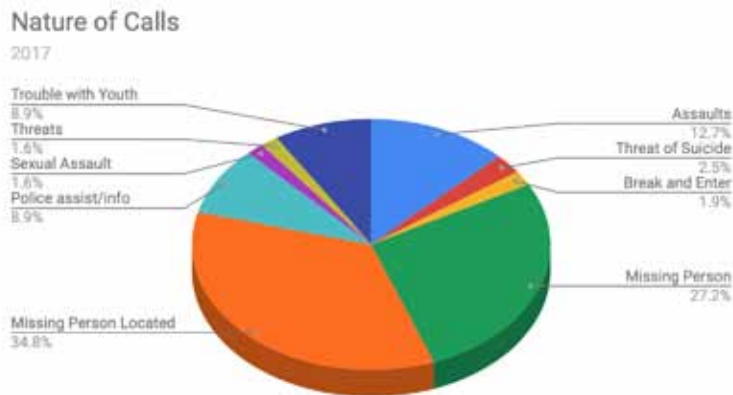


Figure 2

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

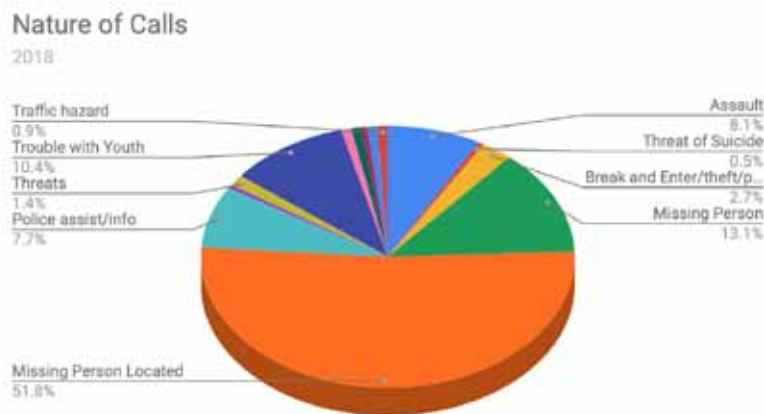


Figure 3

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.

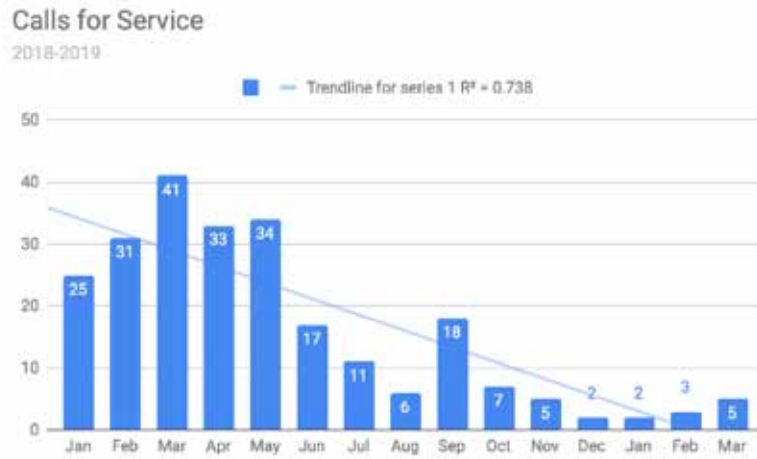


Figure 4
Calls for service dropped 78% when police changed their response.

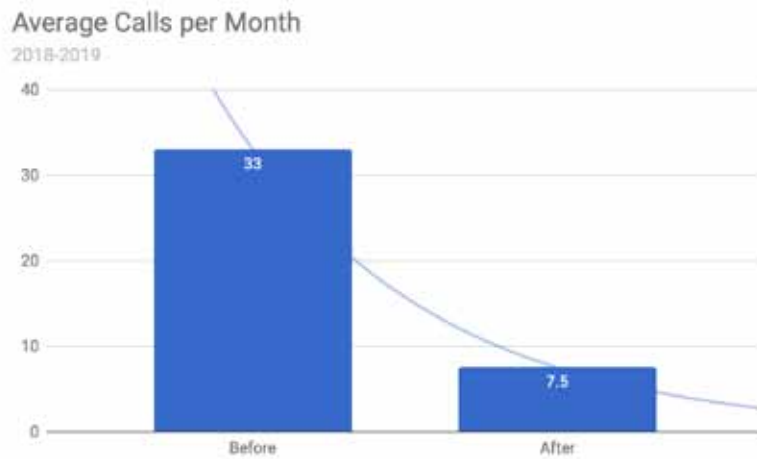


Figure 5
Only 4% of calls for services were responded to by way of a charge.

Officer Disposition

2018 - Other 195 Calls = Non-criminal

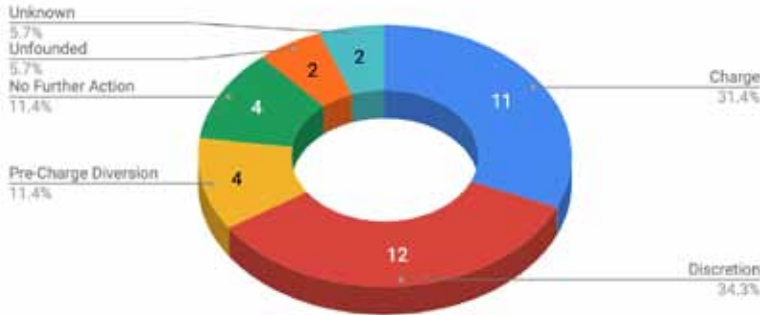


Figure 6

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 centering, 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 centering. 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).

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: Names of Steering Committee

Representatives from the following agencies form the committee:

Name	Agency
	Centre for Addiction and Mental Health
	Children's Aid Society of Thunder Bay
	City of Thunder Bay
	City of Thunder Bay Aboriginal Liaison
Afton Brown	Crown Attorney
John Dixon, Eartha Davidson	Dilico Anishnabek Family Care
	Dubinsky Law Office
	First Nations Elder
	Henderson Family Law
	Kairos
	Lakehead Public Schools Lakehead University
Maggie Aalot	MCYSS (Probation)
Justice Marc Bode, Justice Chantal Brochu	Ministry of the Attorney General
Moffat Makuto	Multicultural Association of Northwestern Ontario
	Nishnawbe-Aski Legal Services
	Office of the Provincial Advocate for Children and Youth
	Ontario Court of Justice

	Ontario Provincial Police
	Sister Margaret Smith Centre
Fred Schmidt	The Children's Centre
	Thunder Bay City Council
	Thunder Bay Counselling Centre
	Thunder Bay Crime Prevention Council
	Thunder Bay District Catholic School Board
	Thunder Bay Drug Strategy
Rosanna Hudson	Thunder Bay Indigenous Friendship Centre
Chris Toneguzzi	Thunder Bay Police Services
Amy Hardy	Tikinagan
Ketih Zehr	William W. Creighton Youth Services
	Youth Justice Committee
	Nishnawbe-Aski Police Services
	Buset & Partners Law Firm
	Nishnawbe-Aski Nation Grand Chief

