

# Youth Corrections

## LEARNING OUTCOMES

After completing this chapter, students will be able to:

- Situate Canada's youth correctional process in its historical context.
- Discuss the differences between community corrections and custodial corrections for young people under the *Youth Criminal Justice Act*.
- Discuss the processes of youth corrections and their administration in Canada.
- Consider the components of effective correctional programming and the use of alternatives to incarceration (such as restorative justice).

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## Introduction

Prior to the enactment of the *Youth Criminal Justice Act* (YCJA) in 2003, Canada had the dubious distinction of having the highest youth incarceration rate in the world. The use of custody as a “short, sharp shock” had led to many young people being held in secure custody for very short periods of time. This over-incarceration of youth was troubling, and those responsible for the drafting of the new legislation set out to base the new legislation of the YCJA on principles related to the most effective means of holding young people accountable, without using the ineffective custodial regime of the former legislation. Rates of incarceration for youth declined almost immediately upon the coming into force of the YCJA and have continued to decline at a moderate rate (Casavant, MacKay, & Valiquet, 2008).

Since the enactment of the YCJA, Canada has not only reduced its over-reliance on incarceration for youth who offend but has also facilitated better plans and strategies for reintegrating young people into the community following custody. Custodial sentences for youth are considered a last resort. Courts emphasize community-based sentencing whenever possible, and may also direct youth into a **restorative justice** program or counselling for trauma, substance abuse, mental health, or family therapy. The historical evolution of youth corrections has changed dramatically from the initial creation of separate legislation for youth in 1908 under the *Juvenile Delinquents Act* (JDA).

### restorative justice

an informal, community-based system for providing sanctions in the context of criminal justice that focuses on rehabilitating offenders, reconciling them with their victims and the community at large through dialogue processes and the imposition of sanctions designed to heal

Ongoing debates about whether young people are able to understand the consequences of their actions and thereby be treated in the same way as an adult have continued. The next section will discuss the differences between adult and youth offenders.

## Differences Between Youth and Adult Offenders

It is important to hold youth accountable when they break the law, but, as discussed in previous chapters of this text, it is a longstanding principle of Canadian law that the level of culpability on the part of adolescents is different than that of adults. A great deal of evidence from criminology, statistics about crime, and developmental psychology supports the view that, relative to adults, youth commit different kinds of offences, are more likely to be rehabilitated and to not reoffend, and have diminished accountability.

As illustrated in Chapter 1 (under the heading “Adolescent Development and the Issue of Criminal Responsibility”), brain **maturity** on the part of adolescents has been shown to be significantly different from that of adults. This neuroscientific evidence confirms what psychologists and even laypeople have long observed—youth think differently from adults.

Many, if not most, adults can recollect some level of engagement in minor offending as an adolescent or child. Many readers will likely remember stealing candy or hitting others as children or youth. Most adults at some point desist from engagement in even minor criminal behaviour (Bromwich, 2002). There is abundant statistical evidence that this anecdotal experience is a practical reality: adolescents who commit crimes, especially minor ones, are likely to go on to become adults who are contributing members of society. Developmental psychologists generally accept that some level of disobedience and rebellion is normal, and even necessary, as a developmental stage (Jaffe, 1998). An interview with a former social worker and police officer, reported by Paperny (2018) in *The Globe and Mail*, seems to sum up the stance necessary for youth who may commit offences:

Throwing a kid in jail is not the solution . . . They only get victimized by predators and learn to be much better criminals.

It follows from these developmental differences, along with the difference in crime patterns between adolescents and adults, that alternative ways of applying meaningful consequences should be imposed on adolescents. Recidivism rates for youth are generally lower than for adults (Luong & Wormith, 2011). Consequently, it is a fundamental underlying feature of Canada’s criminal justice and correctional systems that youth are to be treated differently from adults throughout the criminal justice and correctional processes affecting them.

Although the notion is now widely accepted that adolescents are accountable for their offending behaviour in diminished and different ways than adults, this was not always the case. To understand the scheme for youth corrections set forth under the YCJA, it is helpful to view the Act in its historical context.

## The Evolution of Youth Corrections

Prior to 1908 in Canada, adolescents, and even children as young as seven or eight years of age, were subject to the full force of criminal penalties to which adults were liable. They were frequently sentenced to death, even for minor crimes. When incarcerated, they were held with adults and were subjected to **corporal punishment**, such as lashings, for infractions like laughing and staring (Justice Canada, 2004).

### maturity

development into adulthood, including development of the ability to respond to the environment in an appropriate manner

### corporal punishment

the infliction of punishment on a person’s body

Reports by Edmison (1954), taken from records at the Kingston Penitentiary in 1836, include many references to corporal punishment and the lashing and flogging of children as young as age 12 for violating the prison rules. These rules were enforced between 5 a.m. and 6:30 p.m., 7 days a week, by the guards during daylight hours. According to these historical records, the youngest male offender at the Kingston Penitentiary was 8-year-old Antoine Beauche, who in 1845 was sentenced for three years for pickpocketing. Antoine received the lash within a week of his admission to Kingston penitentiary and, over the next nine months, 47 more times for such offences as staring, laughing, whistling, giggling, making noise in his cell, and idling. The youngest female was a 9-year-old, Sarah Jane Pierce, who in 1878 received a seven-year sentence when she was found guilty of stealing a lady's hat, a quilt, a towel, a pitcher, some beef, raisins, biscuits, tea, and sugar. Her mother received a six-month sentence in the county gaol (jail) for receiving the stolen goods.

*Alias Grace* (1996), a book by Margaret Atwood, chronicles the correctional sanction of 16-year-old Grace Marks for the murders (strangulation with a scarf and shooting) of a wealthy Ontario farmer and his housekeeper in 1843. A stableman who was also tried and convicted for the act was hanged. Due to her youth and sex, Grace was placed in Kingston Penitentiary where she would serve 30 years before she was pardoned and released. Kendall (1999) reports that, according to Kingston Penitentiary medical records, Grace began to exhibit signs of insanity after approximately eight years of her sentence in the penitentiary. Grace was treated in Toronto's Provincial Lunatic Asylum for a year and a half and labelled a "criminal lunatic" prior to her return to the penitentiary. The Canadian miniseries of the same name was filmed at the Kingston Penitentiary and is depicted below.



The miniseries *Alias Grace* depicts the true story of Grace Marks, a young woman convicted of murder in the 1840s. Marks served thirty years in Kingston Penitentiary and spent one and a half years in the Toronto Lunatic Asylum before being pardoned and released.

In 1908, Canada enacted the JDA. (For more information on the JDA, see Chapter 3.) This legislation was substantially similar to laws enacted across Western countries at around the same time. It created a juvenile court and ensured that youth in custody would be held, in most circumstances, in settings that were apart from

**rehabilitation**

an action to reform a person's habits and inclinations away from offending behaviour and restore the person to a condition of being able to positively contribute to the community

**incorrigible**

resistant to correction, unable or unwilling to comply or cooperate with authority

adults and intended to provide **rehabilitation** and even to be nurturing for them. In the juvenile court, the prevailing practice for dealing with youth crime became one of providing informal processing to allow for interventions like placing the juvenile in a “training school” or “reformatory” for a time determined appropriate, possibly until he or she reached adulthood. The way the law sought to deal with problematic behaviour was to provide “treatment dispositions” to attend to the needs of the young person for as long as was necessary to “cure” a youth of their “delinquency.”

In keeping with the notion of a separate and distinct system of justice for young people, the term “disposition” replaced the term “sentence.” These sentences were open-ended. Until the youth attained the age of 21, these indeterminate sentences were effectively imposed on youth without affording them procedural rights protections. There were several offences that were known as status offences that were criminal for youth but not for adults. You will recall from earlier chapters (for example, in Chapter 3) that examples of such status offences included truancy, violation of a curfew, running away from home, and incorrigibility (beyond the care and control of parents). The “training schools” where juveniles were held, often for indeterminate sentences, later became infamous for abuses. The following case study of Velma Demerson speaks to such abuse. This story could be seen as quite typical of the times.

## THE CASE OF VELMA DEMERSON: PROBLEMS WITH JDA STATUS OFFENCES

Velma Demerson, born in 1920, was found **incorrigible** as a youth under the *Female Refuges Act*, a piece of Ontario legislation that operated in a manner similar to the JDA and dealt with the question of incorrigibility. This was grounds for a finding of “delinquency,” which, in such status offence cases, was more of a moral judgment than a criminal offence. Its description was vague and expansive, and girls like Velma who entered into relationships, especially interracial relationships, were at risk of incarceration without engaging in a criminal act under the *Criminal Code*. Based on this finding, she was held in Ontario's Mercer Reformatory, Canada's first women's prison, which was located in Toronto. The factual basis for the finding of incorrigibility was that she had started a relationship with an Asian man. While in custody for a period of over ten months, Velma, pregnant, was subjected to medical experiments, including “treatments” administered to her

genital area without anesthetic. Ultimately, in 2002, Demerson, as one of the only survivors, was compensated by the Ontario government for her suffering while in custody, 60 years previous. The government also furnished her with an apology. Demerson's treatment was consistent with that of many other juvenile females who were found to be incorrigible on the basis of promiscuity or running away, but she is one of very few former juvenile delinquents to have been compensated in relation to their treatment at the Mercer Reformatory.

### Discussion Questions

1. From a rights perspective, what went wrong in Velma Demerson's case? What might happen today?
2. Can you think of any other situations where youth were put into a residential placement without having committed a crime?

While status offences and provincial and municipal by-law infractions were repealed as a result of the move to strictly criminal legislation under the *Young Offenders Act* (1984), the inclusion of multiple conditions for youth on bail, or on probation, meant a young person would be susceptible to further criminal charges if they were

unable to meet onerous conditions. In addition to the offence of breach of probation, in 1986 an amendment to the *Young Offenders Act* (YOA) was passed, without discussion in parliament, to create a new offence called “failure to comply with a disposition.” Sprott and Doob (2009) suggest that this offence was meant to streamline the process for police so that they could respond quickly rather than having a judge review the initial disposition. Reviewing the cases brought to court under this new offence showed an increasing use of custody sentences despite the principle of the YOA to use custody as a last resort. Sprott (2012, p. 311) argues that increased focus on the violation of conditions, such as curfews or failing to abide by the rules and discipline of the house, led to the equivalent of a “status offence in disguise.” Despite dramatic declines in charging for minor offences and the use of custody within the first few years of the YCJA, failing to comply with bail orders or conditions of probation did not show similar declines. Looking at the data for all youth charged in 1998, 1 in 24 were charged with failure to comply with a disposition. By 2010, the number had increased to 1 in 11 youth charged for failure to comply with a disposition (Sprott, 2012, p. 316). Sprott goes on to remark that the cases that were brought before the court predominantly involved girls, which was also reminiscent of the of status offences for “incorrigible” girls under the JDA described in the case study above. Sprott (2012) concludes that the only way in which there would be a reduction in such “status-like offences” would be a direct legislative enactment as was done with the specific legislative provisions surrounding custody under the YCJA.

To address some of these issues, the federal government has proposed legislation to amend the YCJA and the *Criminal Code* under Bill C-75. According to the legislative summary (Library of Parliament, 2018), the proposed amendments with respect to the YCJA are intended to:

- a. set out principles intended to encourage the use of extrajudicial measures and judicial reviews as alternatives to the laying of charges for administration of justice offences;
- b. set out requirements for imposing conditions on a young person’s release order or as part of a sentence; and
- c. limit the circumstances in which a custodial sentence may be imposed for an administration of justice offence (s. 2.2.1).

These amendments may help to address the issues of youth failing to comply with conditions by offering alternatives to charging in the form of extrajudicial measures outside of the formal court system. Further, the focus of the provisions for release of a young person on bail is the attendance of the young person at court. The addition of the ability of a young person to reasonably comply with conditions is also seen as an important consideration in the Bill.

## Administration of Youth Corrections in Canada

The administration of correctional services is a shared responsibility between the federal, provincial, and territorial governments. The Correctional Service of Canada is responsible for the federal system with respect to adult offenders (18 years and older) serving sentences of two years or more, as well as the supervision of adult offenders on

conditional release in the community (parole or statutory release). The provincial and territorial correctional services programs are responsible for adults (over 18 years) who are serving custodial sentences that are less than two years and adults who are being held awaiting trial or sentencing (remand), as well as adult offenders serving community sentences such as probation or community service orders. For young persons (between the ages of 12 and 18), correctional services are the responsibility of the provinces and territories for youth serving custody or community sentences, as well as those awaiting trial or sentencing (pre-trial detention).

While criminal law and, more specifically, the YCJA fall under federal jurisdiction and are therefore the same across Canada, services provided to young people are the responsibility of the provinces and territories. The federal criminal law doctrine set forth in the YCJA interacts with 13 provincial and territorial systems to address the procedural aspects of setting up courts, as well as providing provincial and territorial youth correctional systems.

A wide range of correctional institutions and practices are in place for youth across Canada. There are a variety of institutions that provide correctional services to youth who are not in custody but rather in the community, either serving their sentences in the community or having completed the custodial portion of their sentence and being under community supervision. These include attendance centres, community justice programs, and open custody centres or group homes. Across the country, there are also secure custodial facilities where youth are held in closed custody.

## Overview of Youth Corrections

As was outlined in Chapter 8, there are three categories of sentences that may be meted out to a young person: (1) in-court sanctions, (2) community-based corrections, and (3) custody and supervision orders. Each of these sanctions will be reviewed in the following sections.

### *In-Court Sanctions*

These sanctions are given to the young person while they are still in front of the youth court judge. A judge may give a reprimand, an absolute or conditional discharge, a fine not exceeding \$1,000, a restitution order for specific damages, and/or a prohibition or seizure order.

### *Community-Based Corrections*

The most used sanction for youth is probation with varying levels of reporting and conditions attached. Intensive support and supervision probation orders are designed for higher-risk youth who require more frequent reporting and additional programming support. For youth who might otherwise receive a custodial sentence, some provinces and territories offer an Intensive Support and Supervision Program (ISSP). As a condition of the order, such programs provide support in the form of intensive monitoring, additional resources, and referrals to community-based agencies.

Other community correctional initiatives include community service orders and referrals to a non-residential program. Attendance at a non-residential program is another provision in the YCJA to keep young persons out of custody. In addition to reporting to a probation officer, the young person is required to attend a program for up



to 240 hours for a maximum of six months. This option allows for young people to be referred to addictions counselling programs, after-school programs and services, and other helpful supports that address some of the risk factors that a young person faces.

### ***Custody and Supervision Orders***

The YCJA generally discourages the use of custody in sentencing youth. Generally, custody will be ordered only if a young person exhibits a pattern of not complying with non-custodial sentences or has committed a violent crime, although, as was outlined in Chapter 8, custodial sentences can be ordered in “exceptional circumstances.”

Youth who are sentenced must serve their time (at least until they become adults) in youth custody, held separate and apart from adults. In appropriate circumstances, youth who are in custody may also be permitted to take reintegration leaves during their time in sentenced custody and leave the facility under specific conditions. There are two levels of custody prescribed under the YCJA: open and secure or closed custody. Those facilities that are open custody centres are often group homes within a community where youth must follow the rules of the home, attend school, abide by curfews, and ensure that they are meeting any other conditions laid out in their respective orders. Failing to abide by the rules in open custody may lead to additional charges and/or a placement in secure custody if the offences warrant such committal. Closed custody facilities are jails where youth are incarcerated and are required to follow a set of institutional rules and schedules. These will be discussed further in the following sections.

The YCJA provides that a custodial sentence (either open or secure) will be followed by a period of supervision and support in the community. This requirement is intended to ensure that the reintegration of any youth placed in custody is contemplated in detail from the beginning of the sentence. Immediately upon being taken into custody, a youth worker is required by the YCJA to meet with the young person and work toward a plan for the young person’s reintegration into the community upon release. The reintegration plan identifies programs and activities that are intended to optimize the young person’s chances of returning to his or her community and developing into a productive, socially beneficial adult.

When a young person is supervised in the community following a period of custody, he or she must comply with certain conditions. The YCJA sets out a list of mandatory conditions that are made part of any supervision order. To these mandatory conditions, the court can add specific conditions that are particularly relevant to the circumstances and needs of, as well as any risks to the public presented by, the young person. If the young person breaches a condition that has been imposed, a review will be held. In that case, the young person could have his or her conditions changed, have additional conditions imposed, or be returned to custody.

## **Young Persons in Correctional Services**

Most youth charged in Canada are usually 16 or 17 years of age. They are generally male, although females make up about 20 to 25 percent of the people charged in youth criminal justice proceedings (Miladinovic, 2016). The continuing decline in the use of custodial sanctions is dramatic; the current incarceration rate shows a 73 percent decline from 1995 to 1996 under the YOA and a 44 percent decline from the year that the YCJA was introduced in 2003–2004.

**FIGURE 9.1** Young Persons Serving Correctional Sentences, 2016–2017

Source: Statistics Canada (2018).

<sup>1</sup> Excludes unknown time served.

Note: Excludes Nova Scotia, Quebec, Saskatchewan, Alberta, and British Columbia. Releases represent the end of a legal status in correctional services and do not necessarily represent the end of supervision by correctional services. The same person can be included several times in the release counts where the individual moves from one type of legal status to another (e.g., from pre-trial detention to sentenced custody and then to community services). As such, releases represent the number of movements within a fiscal year out of pre-trial detention, sentenced custody, and the community statuses regardless of the individual's preceding or following legal status.

In 2016–2017, an average of 7,616 young people were being supervised either in custody or as part of a community corrections program. This amounts to a rate of 44 per 10,000 youth, which is a 10 percent decrease from the previous year and a 37 percent decrease from five years previous. The large majority of youth (89 percent) under provincial or territorial correctional services were serving a term of probation. With respect to youth in custody, on an average day in 2016–2017 there were just under 900 youth in custody, which represents a rate of 5 per 10,000 youth population. This was a 12 percent decrease from the previous year and a 33 percent decrease from five years before. The majority of admissions to youth correctional services were older male youth. Seventy-six percent of admissions were male. Fifty-five percent of admissions were youth aged 16 or 17 years (Malakieh, 2018).

As is shown in the above graph, for the year 2016–2017, more than three-quarters (78 percent) of young persons held in pre-trial detention were there for one month or less. Similarly, 90 percent of young people in sentenced custody served six months or less.

## INSTITUTIONAL RULES FOR YOUNG PERSONS IN A SECURE CUSTODIAL SETTING

Earlier in this chapter, you learned about the institutional rules at Kingston Penitentiary in the late 1800s. Recall youth not being able to speak, laugh, or look at anyone and that the penalties for violating these rules led to

corporal punishment. Below is a form that was developed for closed custody in Nova Scotia in 2004. This document was read to each young person upon entry into a selected secure custody institution:



## YOUNG PERSON INSTITUTION RULES AND REGULATIONS July 2004

To be read to the Young Persons as part of the intake process and completed by Cottage 1 staff. The Young Person is given a copy.

### SECTION I      Young Person Misconduct

#### No Young Person shall:

- a) Gamble;
- b) Neglect performing the work and duties assigned to him;
- c) Make a gross insult by gesture, use of abusive language or other act directed to or at any person;
- d) Have in his possession any article not authorized by the Superintendent;
- e) Disobey any lawful order given by an employee;
- f) Smuggle, conspire or attempt to smuggle any article either into or out of the correctional facility;
- g) Destroy or deface private or public property;
- h) Conduct himself in a manner that is detrimental to the welfare of other Young Persons or the program;
- i) Attack or threaten to attack another person within the correctional facility;
- j) Cause, conspire or attempt to cause a disturbance, breach of the peace or riot;
- k) Commit or attempt to commit an indecent act;
- l) Be in an unauthorized place or leave or attempt to leave the limits of the correctional facility confines without being escorted by an employee or without the express authority of the Superintendent;
- m) Give or offer a bribe or reward to an employee;
- n) Give counsel to or aid and abet another Young Person to do any act in contravention of the Act, these Regulations or the Rules;
- o) Obstruct an investigation conducted or authorized by the Superintendent;
- p) Willfully breach or attempt to breach any provision of the Act, these Regulations or the Rules; and
- q) Willfully breach or attempt to breach any term or condition of a Reintegration Leave.

Where a Young Person breaches clauses f), g), h), i), j), k), or l), the Superintendent may consider laying criminal charges against the Young Person under the *Criminal Code* of Canada.

Failure to comply to all Institutional and Cottage Rules and Regulations will result in an Incident Report and any of the following sanctions given:

- Loss of privileges
- Restitution
- Additional work
- Room confinement
- Any other penalty which is appropriate to the incident

**WARNINGS**

A Young Person may be warned only once for each specific incident prior to receiving an Incident Report. An incident may be submitted without warning, if the Youth Worker feels such a course of action is warranted.

**SECTION II Earned Privileges**

**A Young Person may earn privileges if he has successfully followed the rules listed below:**

- a) Maintained living and working area in a clean and tidy condition as required by staff;
- b) Be prompt and conscientious in the performance of regular duties and work assigned (from time to time);
- c) Performed all work at a level acceptable to staff;
- d) Complied with all instructions given by staff;
- e) Observed all fire regulations and safety requirements;
- f) Maintained a high level of personal cleanliness and grooming;
- g) Respected the rights and dignity of fellow Young Persons;
- h) Made a reasonable effort to avoid damaging, wasting or neglecting correctional facility property;
- i) Made reasonable efforts to avoid behaviour upsetting to fellow Young Persons, staff and correctional facility programs;
- j) Maintained an acceptable level of program participation; and
- k) Complied with all rules and regulations.

**I, \_\_\_\_\_ have read or had read to me the subsections/clauses found in Section I titled Young Person Misconduct and in Section II titled Earned Privileges and understand them.**

**Young Person's Signature** \_\_\_\_\_

**Witness Name (Print) and Signature** \_\_\_\_\_

**Date**

**Location**

Source: Nova Scotia Government (2004).

### Discussion Questions

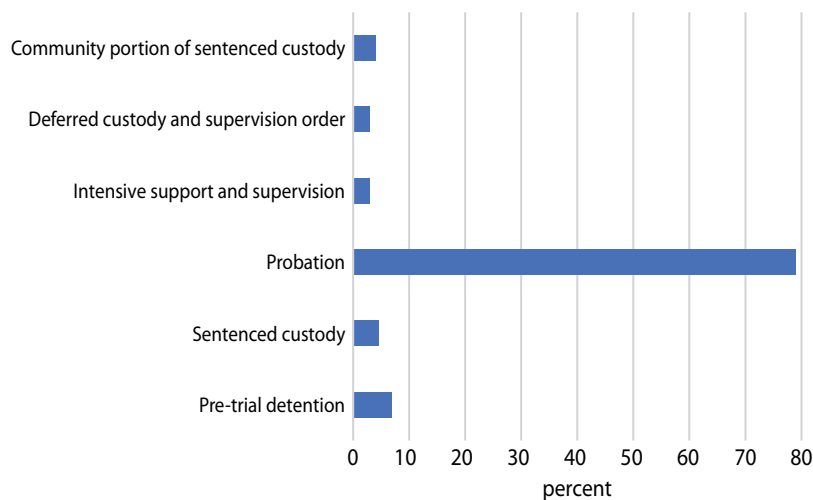
1. What do you notice about this form as it relates to crime-control objectives compared to more treatment-oriented objectives?
2. How well would you do if you were required to follow these rules? Who would you talk to if you felt that you were being unreasonably punished?
3. How would staff make a judgment on “reasonable” efforts and “acceptable” levels? Do you see any problems with these rules? (Use specific examples related to articles of contraband.)

With respect to community corrections, approximately 40 percent of youth were on probation for six months to a year with an equal number serving one to two years on supervised probation. Less than 20 percent of youth were on probation for more than two years.

### Marginalized Youth in the Youth Correctional System

Some statistics about youth in the criminal justice and correctional systems seem to reflect less about adolescents than they do about social problems in Canadian society. In particular, Indigenous youth and youth “in care,” who are wards of the Crown in one of Canada’s provinces or territories, represent a disproportionate percentage—in some jurisdictions, over 50 percent—of the youth charged with criminal offences and youth held in correctional custody (Bala, Finlay, De Filippis, & Hunter, 2014; Miladinovic, 2016). A serious problem with current charging and sentencing practices in the youth criminal justice system in Canada is “crossover,” a well-known phenomenon among practitioners. This refers to the disproportionate number of youth who face charges and are sentenced in the youth system, but are in the care of child welfare services when charges are laid. For example, the small number of youth in care in Ontario makes up 40 to 50 percent of the accused persons in the youth system. Crossover youth make up far too many of the youth in the YCJA courts and correctional systems (Bala et al., 2014).

**FIGURE 9.2** Percentage of Youth in Correctional Services on a Daily Basis, 2016–2017



Source: Statistics Canada (2018).

In a review of 22 interviews with service providers in Ontario and a scan of the empirical literature, two themes became paramount in terms of youth involved in the child welfare, youth justice, and mental health systems. The first theme was related to the need for greater restraint in using the formal youth justice system to respond to behavioural issues of adolescents in the child welfare systems. It became apparent that young people living in group homes were often “dumped” into the youth justice system for relatively minor offences. The second theme was the need for integration in services and responses from the various sectors involved with young people (Scully & Finlay, 2015).

The Transition to Adulthood Alliance (2015) in the United Kingdom interviewed a number of young adults who had experience in both the justice system and the child welfare system. These individuals point out the many systemic barriers they faced:

Growing up in deprivation, without a supportive family, in care or having experienced traumatic events in early life, mean some of us have had to grow up and mature and understand reality at a young age.

As a result of these challenging situations many of us have developed great strength and resilience. This strength is to our credit given the life experiences we have faced, and is often in spite, not because, of the system.

We also know that because of the difficulties we have experienced we may have missed out on developing skills that are critical for our future. Where we are strong and resilient in some ways, we may be less mature in others.

Clearly, change still needs to be made to how marginalized and vulnerable youth, particularly those who are racialized or Indigenous, are addressed by the youth criminal justice and correctional systems. Just as in the adult system, people of Indigenous heritage are over-represented in the youth correctional system. Corrado, Kuehn, and Margaritescu (2014) point out that Indigenous Canadian youth are eight times more likely to be incarcerated than their non-Indigenous peers. This is particularly problematic, given that the preamble of the YCJA asks courts to be sensitive to issues relating to the gender, race, and Indigenous heritage of a young person. As has been discussed throughout this textbook, Indigenous youth are over-represented in the youth criminal justice and correctional systems. This problem has persisted despite legislation that specifically requires the reduction of incarceration for Indigenous youth (Roberts & Reid, 2017). In a study of Indigenous youth who were interviewed while incarcerated as youth and then followed until the age of 29, McCuish and Corrado (2017) found that Indigenous youth had a greater number of social adversities than white youth, but, despite this, no significant differences were found regarding their offending from ages 12 to 29. Family adversity was a key risk factor for Indigenous youth, and this is underscored by not only the important role that the extended family plays within Indigenous cultures with respect to raising children, but also the deleterious effects of the transmission of adversity intergenerationally. The Truth and Reconciliation Commission of Canada (2015, p. 178) provides an illustration of the intergenerational trauma experienced by Indigenous youth:

The great vulnerability and disadvantage experienced by so many Aboriginal youth undoubtedly contribute to their overrepresentation, a factor that is intimately tied to the

legacy of the residential schools. Many of today's Aboriginal children and youth live with the legacy of residential schools every day, as they struggle to deal with high rates of addictions, fetal alcohol disorder, mental health issues, family violence, incarceration of parents, and the intrusion of child-welfare authorities. All these factors place them at greater risk of involvement with crime.

In a study by Cesaroni, Grol, and Fredericks (2018), Indigenous youth and Elders spoke with researchers in talking circles. One of the most important conclusions was that young people were not valued and heard. Elders and community members shared that, through Indigenous traditions, Indigenous peoples can heal their own young people.

## Youth with Mental Health Challenges

In Canada, statistics indicate that only one in five children who need mental health services receive them and that the majority of young adults living with mental illness report that their problems began in childhood (Canadian Mental Health Association, 2018). Research has shown that young offenders experience high levels of mental health issues (Kapp, Petr, Robbins, & Choi, 2013), and, despite these high levels, they are not having their treatment needs met (Whitted, Delavega, & Lennon-Dearing, 2013). A study of 152 youth who were involved with either the youth justice system or the mental health system found that youth who were referred from the mental health sector accessed significantly higher rates of service not only from health care and mental health but also through school support structures than their youth justice counterparts (Liebenberg & Ungar, 2014). Further, according to the study, a lack of engagement with treatment service providers has always been problematic for young offenders. Other research reports higher incidence of self-harm (Kenny, Lennings, & Nelson, 2007) or experiences of abuse or neglect (Baglivio & Epps, 2016) among youth offenders. Similarly, studies of youth serving community sentences have higher levels of mental health challenges than other community members not involved in the justice system (Kenny et al., 2007).

This lack of service is particularly disconcerting in that youth who have been diagnosed with multiple mental health disorders are more likely to offend than those without such challenges and have a higher likelihood of recidivism (Espinosa, Sorensen, & Lopez, 2013). Conversely, youth who presented with mental health challenges in a community sample and received treatment for their mental health disorder did not show any improvement in terms of recidivism compared to their peers who did not have a mental health challenge (McCormick, Peterson-Badali, & Skilling, 2017). In this sample, the matching of criminogenic needs was more predictive of positive reductions in recidivism. The youth with higher criminogenic needs were youth with mental health challenges, and, once these criminogenic needs were addressed, there was a higher likelihood of success. In other words, mental health treatment in isolation from other criminogenic risk-need factors will not work to reduce recidivism among justice-involved youth. Following the risk-needs-responsivity (RNR) model discussed earlier in this text and further elaborated on in Chapter 10 seems to be the best method for enhancing responsivity, particularly for youth who present with mental health disorders.

## CASE IN POINT

### Is a Custodial Sentence Always Appropriate in a Situation with a Complex Presentation of Mental Health Needs?

Tim is a 14-year-old male who is before the courts on numerous sets of charges, including robbery, assault, assault with a weapon, trafficking in illegal substances, and several failures to comply with a recognizance. He is known to cause problems while at court and is often accompanied by court officers when not held in detention, in order to minimize behavioural outbursts. The court is concerned about his behaviour and his numerous risk factors. Tim has been referred to Community Youth Court, which is a specialized mental health court that handles cases of young people identified as having mental health issues and substance abuse concerns. As part of the pre-sentencing hearing, the judge orders a pre-sentence report and a section 34 report (a section of the YCJA that allows for mental health assessments to inform youth court decisions).

The section 34 report outlines a number of mental health concerns and recommendations for sentencing. Of note are the following diagnoses: attention deficit hyperactivity disorder (ADHD), post-traumatic stress disorder (PTSD), anxiety, substance abuse disorder, conduct disorder, attachment disorder, and a learning disability. The report highlights that Tim has experienced trauma beginning in utero. He witnessed and experienced significant family and community violence and is often triggered by a threatening situation, either real or perceived. It is also noted that being in custody triggers and possibly

causes Tim to relive and re-experience past trauma. Reports from custody facilities have highlighted significant behaviour concerns, including aggression, self-harm, and suicidal ideation.

The section 34 recommendations include the following: trauma-focused counselling, substance abuse counselling, family therapy, and concurrent disorders programming (counselling that would address the co-occurrence of mental health and substance abuse). It also highlights the importance of emphasizing Tim's strengths and encouraging him to pursue these areas to structure some of his time in the community. Of significance is the fact that the author of the report strongly discourages a custodial disposition. It is felt that the young person would be further traumatized by the experience and would likely be released with the potential of increased risk for violence.

The judge decides that a custodial sentence would not be beneficial in this situation. Tim is sentenced to an 18-month probation order with conditions that specifically include the recommendations from the section 34 report.

#### Discussion Question

What are your thoughts on this youth not receiving a custody sentence, and what would you recommend in this situation?

## Young People's Adaptation to Incarceration and Reintegration

Confinement of youth in correctional facilities has a high economic cost as well as other social costs. Government estimates suggest that it costs between \$200 and \$500 per day to keep one youth in a secure custody placement (Community Safety and Countering Crime Branch, Research Division, 2016). The social costs for incarcerated young people are enormous.

Prisonization is a term used to expand on the concept of institutionalization; it is a particularly negative experience that may happen in a hospital or other **total institution**, and impacts on criminal behaviour and recidivism. The importation model of prisonization emphasizes the influence of outside experiences as determinants of the nature that the prison experience has on an individual. The deprivation model of prisonization focuses on issues within the institution (for example, new habits of eating, dressing, sleeping, and speaking) that are the most impactful on an individual's

#### total institutions

a closed social system in which individuals are separated from the wider society to receive care or to protect society from the potential harm imposed by this specialized population. Governed by strict rules and schedules, such institutions include prisons, military compounds, and locked mental health facilities.



prison experience. Research has shown that young people have difficulty adjusting to prison (Cesaroni & Peterson-Badali, 2005, 2010). Young offenders who have experienced more adverse childhood experiences and those who have few friends in custody find it more difficult than some of their peers. Youth who internalize their feelings and problems such as social withdrawal and being shy, withdrawn, anxious, and depressed have a particularly difficult time. However, some of these “pains of imprisonment” can be reduced in a rehabilitation-focused youth facility. One study found that youth who reported receiving more support from their family while incarcerated were significantly less likely to violently reoffend (McCuish, Lussier, & Corrado, 2018).

Recent research has shown that carceral settings for youth that are more rehabilitative in their focus may reduce effects of prisonization. McCuish, Lussier, and Corrado (2018) found in their analysis of official reports in British Columbia that a safe environment for adolescents in custody may improve treatment outcomes and reduce in-custody victimization. Victimization while incarcerated led to continued offending among young offenders upon release. Youth who showed positive changes in their obedience to authority showed a decrease in short-term offending. The researchers suggest that this change in obedience can be partially attributed to positive relationships between staff and youth.

A correctional officer’s main job is to maintain security and ensure the safety of residents and staff. Many officers have impersonal, authoritarian, and hostile relationships with offenders in their charge (Schubert, Mulvey, Loughran, & Losoya, 2012). Positive relationships with adults are essential as a protective factor for youth who may be enmeshed in the youth justice system. Marsh and Evans (2009) found that young offender–staff relationships are improved through positive role modelling and supportive, mentoring-type interactions even in youth detention environments. Research has shown that, where a possibility of a therapeutic relationship between custody staff and youth exists, such relationships influence the sense of safety and comfort that young people feel within the facility (Peterson-Badali & Koegl, 2002).

The importance of promoting a therapeutic role for correctional staff has gained some salience in the “what works” literature on reducing recidivism (Paparozzi & Gendreau, 2005). Throughout the province of Ontario, for example, custodial institutions have become part of the “relationship custody” framework that guides the work with young persons in custody. The relationship custody approach requires staff not only to work from a strengths-based approach that reinforces the skills and talents of the young person but also to engage with young people and develop a rapport that helps them make more positive choices. It requires a balance between the dynamic security approaches (professional, positive relationships between youth and staff) and the static security approaches (physical barriers and surveillance) (Provincial Advocate for Children and Youth, 2013).

The lack of pro-social peers further complicates the situation for young persons who do not have a caring adult to help them develop social skills, improve relationships, or deal with problems. While some opportunities for education and extracurricular activities exist within youth custodial facilities, young people spend much of their time in cells or under the surveillance of guards. This social context is not conducive to the healthy development of youth or to a successful transition to young adulthood. Research has shown that, through positive reinforcement of pro-social behaviour among

**deviance contagion**

the influence that occurs between an individual and a peer who transfers deviant ideas or behaviours to the other, which may cause harm to another or undermine values

youth in custody, the **deviance contagion** effect of housing anti-social peers together can be dramatically reduced (Dishion, Dodge, & Lansford, 2008).

As is discussed elsewhere in this textbook (Chapters 2 and 10), youth who experience problems at school are often pushed out of the school system through suspensions and expulsions. The research is clear that early school problems that lead to suspensions may increase the probability that a young person will become involved in the criminal justice system. The “school to prison pipeline,” as it is referred to, has been a key policy concern for educators and practitioners in the crime prevention field (Gonzalez, 2012). Some jurisdictions have embraced restorative justice practices to help reduce school behavioural problems, and the most successful approaches have been those that include a whole school culture and look for ways to embrace the practice throughout all aspects of the school environment. Changing the culture of a school from a model of punitive discipline requires ongoing training and practice in order to be successful. Recently, the Nova Scotia youth centre ran a pilot program to embrace restorative justice practices within the youth custody centre. Clairmont (2018) reports on some of the successes in terms of resolving disputes and ensuring that young people have a voice in deliberations that are related to them. There have also been some issues with the approach, particularly when dealing with very high-risk youth and those who may not be appropriately served within a custodial facility (i.e., those with complex mental health cases).

Mathys (2017), in a review of current research on effective interventions for youth in custody, suggests that there are three main components for improving the daily interventions with young people in closed custody. The first component is the need for a positive social climate between staff and youth and during peer interactions. A positive group climate can increase feelings of safety and greater treatment motivation for the young persons (Cesaroni & Peterson-Badali, 2005; Van der Helm, Klapwijk, Stams, & Van der Laan, 2009). The second component is the content of the intervention. Research has shown that cognitive-behavioural programs, such as training in social skills, problem-solving, victim-impact intervention through the development of feelings, and empathy or trauma-focused therapy are considered to be specific treatment methods that are effective with juvenile offenders (Baglivio & Jackowski, 2015; Cohen et al., 2016; Koehler, Losel, Akoensi, & Humphreys, 2013). The third component is the youth’s own ability to engage in treatment and his or her motivation to be engaged in treatment (Van der Helm, Wissink, De Jongh, & Stams, 2013).

What evidence there is suggests that custodial sentences have a weak deterrent effect on youth, and in many cases the impact of incarceration actually increases the likelihood of reoffending (Mears, 2017). In calculating the costs and benefits of a custodial policy for young persons, it must be kept in mind that almost all young offenders will be released into the community, and so we run the risk of a huge social cost to youth when they “grow up” in jail.

## Reintegration and Community Supervision

Upon release, the stigma of having been in custody can thwart efforts to seek out legal and meaningful employment or education. The lack of opportunity to develop social skills can make it very difficult to establish stable pro-social relationships and

meaningful employment. Two of the most important factors related to the desistance from crime are marriage or a stable intimate relationship and meaningful employment (Reid, 2010). Incarceration that hinders the natural development of significant relationships and the acquisition of skills necessary for meaningful employment jeopardizes young people's successful transition to young adulthood (Skeem, Scott, & Mulvey, 2014). In this context, it is important to recognize the integral role of the community supervision portion of a custodial sentence. During the community reintegration phase, it is vital that youth have opportunities to interact with and participate in educational, extracurricular, and employment activities.

For many young people who leave custody, research has shown that the wide range of problems they experienced before their custodial sentence is simply exacerbated by their time in custody (Gray, 2011; Gray, Smithson, McHugh, & Smyth, 2018). Most notably, youth require housing, often due to the strained relationships within the family brought on due to the incarceration.

In a meta-analysis on aftercare program effectiveness, researchers found that aftercare programs can reduce recidivism for juvenile and young adult offenders, particularly for older and high-risk youth (James, Stams, Asscher, De Roo, & Van der Laan, 2013). In a study of high-risk, gang-affiliated, justice-involved young persons in Manitoba, Weinrath, Donatelli, and Murchison (2016) utilized an intensive supervision program that added a mentorship component. In a comparison group study, youth who chose to be involved in the mentorship program with paid street workers did better on all measures of recidivism than their counterparts in the comparison group. The literature on intensive supervision probation programs shows mixed results; most programs evaluated were those that strictly employed a surveillance and deterrent/enforcement strategy. The Spotlight program in Manitoba incorporated surveillance with only one of the team members. The probation and outreach street workers were more involved in providing therapeutic counselling and mentorship. Weinrath et al. (2016) reports that clients were able to relate to street workers without fear of being breached, and the researchers suggest that this positive relationship, combined with program fidelity and integrity of professional staff, was what made this program successful. Perhaps this type of program would be suitable for the highest-risk youth who leave custody to re-enter the community. It appears that the role of the street worker/mentor was a useful addition to the probation officer in terms of establishing new networks, employment skills, and other essential ingredients for a life away from gangs and crime. The importance of the enforcement role held by the intensive supervision staff should not be dismissed in terms of ensuring that youth were being held accountable for their conditions.

## International Obligations with Regard to Youth Corrections

As discussed earlier in this text, Canada is a signatory to the United Nations *Convention on the Rights of the Child* (UNCRC), a multilateral agreement signed by most of the world's nations that sets out basic minimum rights for children. In 1985, the UN Standard Minimum Rules for the Administration of Youth Justice, known as the Beijing Rules, recognized the special needs of young people and the promotion of diversion from court proceedings. Further, these standards underscored the principle that custody should be

used as a last resort for children and that all proceedings against young people should be anonymous in order to protect children from lifelong stigma and labelling. Included in the UNCRC are limits and directions concerning the treatment of an accused under 18 years of age. Canada, as a signatory to the UNCRC, recognized that those under 18 who are accused of crimes need to be, according to article 40, “treated in a manner . . . which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.”

The UNCRC has laudable objectives in its principles and articles, and it is the most ratified of all human rights instruments, but it is also perhaps the most violated of the human rights treaties. Breaching the provisions of the UNCRC does not lead to any formal sanction. Canada’s international obligations to all children who have committed offences support a presumption that young offenders are not to be treated like adults. However, Canada has continually violated the spirit of the UNCRC by insisting on a reservation under article 34 with respect to the rule about housing adults and youth in separate facilities. This reservation is based on the vast geography of the country where it might be difficult in some of the most remote areas of the country to abide by such a principle. However, in practice, there are a number of provinces that provide housing for both young persons and adults in the same facility. Procedures are in place to ensure that no activities or interactions take place in sight or sound of the adults. The next section will discuss the issues related to housing youth in adult institutions.

### Young Persons in the Adult Correctional System

As discussed in Chapter 8, the YCJA under s. 72(1) provides that an adult sentence can be imposed on a young person if the crime is so serious that the sentences available in youth court are not sufficient to hold a young person accountable. However, receiving an adult sentence does not mean that the young person will serve their sentence in an adult penitentiary. Youth may be held in young offender custodial institutions up until the age of 21.

Troilo (2018) points out that, when youth are incarcerated with adults, the harms of incarceration are significantly worse. Youth held with adults are 36 times more likely to take their lives by suicide than youth in juvenile facilities. She reiterates that incarcerating youth leads to a slowing down of the natural process of aging out of crime, and placement in adult facilities further erodes this process. She goes on to suggest that youth in adult prisons are much more likely to be held in solitary confinement compared to those in youth facilities.

Imposing adult penalties and including young people in adult prisons have led to serious problems for young people. The case of Ashley Smith, a young person from New Brunswick who was transferred from youth custody to the federal adult penitentiary system where she later took her own life, is discussed below. Other cases have been uncovered by the Ontario Child and Youth Advocate. Irwin Ellman (2017) reports that young people are vulnerable and likely to experience bullying, muscling, intimidation, and physical harm when placed in adult penitentiaries. Comments like “no one feels safe here” and “you always have to be on your toes” further elucidate the dangers of placing youth in adult prisons.

## CASE IN POINT

### The Case of Ashley Smith: Problems with Youth and Adult Corrections

In 2007, Ashley Smith, a 19-year-old from Moncton, New Brunswick, died in solitary confinement far from home at an adult penitentiary in Ontario. She died after being transferred from the youth system less than one year earlier. She had committed only minor offences while in the community, but a series of administration of justice charges while in youth custody led to her being considered a serious offender.

The index offence for which she was originally sent to prison was a charge for throwing a crab apple at a Canada Post worker while on probation for stealing a music CD. While this was not a serious offence, as has been pointed out throughout this text, the use of failure to abide with a disposition and administrative justice offences often led to custodial terms, particularly for girls. Smith was held in closed custody at the New Brunswick Youth Centre (NBYC). The real reason she ended up in “therapeutic quiet” (i.e., solitary confinement) was not the criminal offence that had led her to the custodial centre. It was a snowballing series of hundreds of administration of justice charges and disciplinary sanctions laid against Smith while she was in youth, and then adult, custody.

Both in the community and in youth custody, Smith was often defiant and disruptive in ways that were seen as particularly unusual for a girl.

It was because Smith was so disruptive that, when she turned 18, an application was made to transfer her from youth corrections to the adult system. Convictions she had received for being disruptive and disobedient while in youth custody added enough time to her sentence that she was placed in an adult penitentiary. Subsequently, she was moved 17 times, from penitentiary to penitentiary, to

mental health facility to penitentiary, across Canada for 11 months, until she took her own life in a supervised segregation cell.

An inquest was held to investigate Smith’s death because she died while in adult corrections custody in Ontario. The inquest only had jurisdiction to inquire into her time spent in adult custody.

After several months of proceedings, in an unprecedented verdict rendered in December 2013, the inquest jury ruled that, despite Smith having died by her own hand, her death was neither a suicide nor an accident, but a homicide. The jury’s homicide verdict meant it determined that what had killed Smith was not a person but the correctional and justice systems. Before this case, no verdict by a Canadian inquest had ruled the death of a prisoner to be a homicide unless the death was caused by another inmate. In this case, the jury made 104 recommendations for changes to the operations of the correctional system in Canada in conjunction with the verdict.

The very first of the 104 recommendations made by the jury in the Smith inquest was that her death should be used as a case study for training of all adult correctional staff, so it is very apt that we should study it.

### Discussion Questions

1. What went wrong in the case of Ashley Smith?
2. How should the youth justice and correctional systems specifically address their role in Smith’s situation in order to avoid future preventable deaths?

On October 16, 2018, Bill C-83 was introduced to respond to some of the key recommendations put forth by the jury for the coroner’s inquest into the death of Ashley Smith in 2013. The proposed legislation will eliminate segregation and some of the practices related to solitary confinement. In its place, Structured Intervention Units (SIUs) are being proposed to allow inmates to be separated from the general population but have more time outside of their cells (four hours instead of two hours), access to mental health care, and rehabilitative programming. In introducing Bill C-83, the minister of public safety argued that the SIUs are based on evidence, and the implementation of this plan will not only respond to recent court of appeal

decisions related to solitary confinement, but they will also ensure that inmates will continue to receive rehabilitative programming.

Looking at research and policy around the world, it becomes evident that the period between ages 18 and 25 is still a period of development that necessitates a different response than the punitive adult correctional system. The “aging out” of crime (the concept that most youth abandon criminal behaviour after experimenting with it) further suggests that young adults be treated in such a way that this natural process can unfold without enhancing the likelihood of their becoming career criminals as adults. The Howard League for Penal Reform in the United Kingdom published a report on young adults between the ages of 19 and 25 years incarcerated in adult institutions. One young adult remarked that “[p]rison stops the chance of experiencing things that an individual age group are experiencing so we enter adulthood in different places and mature into different things.” While another young adult commented that “[o]utside of prison you have friends, you socialise, you get on with others, you meet new people,” it’s “impossible in prison. You come out at the same stage you go in. Life is on pause.”

As Cesaroni (2015) has pointed out, if we truly want to ensure the healthy transition of young people to adulthood, Canada should consider the policies that have been developed around the world to ensure that we are doing the best we can to prevent a life of crime throughout adulthood.

## CON ARTIST TURNED COP: FRANK ABAGNALE AND THE POTENTIAL FOR YOUNG OFFENDERS’ REHABILITATION

The details of the case of Frank Abagnale may be familiar to some of you who have seen the Tom Hanks and Leonardo DiCaprio film *Catch Me If You Can*, or the Broadway musical of the same name.

Frank Abagnale, Jr., was a young offender whose case reveals much about the potential for rehabilitation on the part of youths. Starting at age 15 in 1963, Abagnale was a confidence trickster who travelled through Europe and the United States, fraudulently claiming to be a lawyer, a doctor, and an airline pilot, as well as a teaching assistant. He was hired by the Louisiana state attorney general at age 19, after having falsely claimed to have attended Harvard Law School. He worked there for eight months before being discovered. In addition to his impersonations, Abagnale committed scores of bank frauds, forging hundreds of thousands of dollars’ worth of cheques. Abagnale was arrested at age 21 and spent

a few years in a French and then in a US prison, several times escaping custody, once fleeing to Montreal before being apprehended by the RCMP. He was released early when he agreed to be enlisted by the US government as a security consultant. Abagnale continues to work for the US government in fraud investigations and lectures at the FBI Academy. A father of three and a high-level government operative since 1974, he is a leading investigator of cybercrime and fraud and, by all accounts, a successful and contributing member of society (Abagnale & Redding, 1980).

### Discussion Question

1. How did Frank Abagnale’s criminal offences connect with contributions he was able to later make to law enforcement?



## CHAPTER SUMMARY

This chapter has provided an overview of youth corrections in both custodial and community corrections. A discussion of the historical evolution of corrections prior to the JDA, where youth were housed and treated in the same way as an adult offender through the various pieces of legislation that have developed to handle young people who receive correctional sanctions, provides a backdrop for current issues in corrections. As was pointed out in Chapter 3, under the JDA, youth were incarcerated in training schools so they could be helped and assisted during their developmental period leading up to adulthood or until they were no longer delinquent. This led to the over-incarceration of young people, particularly for offences that only youth, and not adults, were charged with (status offences) for indeterminate periods of time. The repeal of status offences and criminal legislation with determinate sentences under the YOA may have reduced

the number of youth who were being held in custody for status offences, but judges interpreted the legislation in such a way that youth should receive a “short, sharp shock,” and, by the time the YCJA was enacted, Canada had the dubious distinction of having the highest youth incarceration rate in the world. The range of alternatives to incarceration echo the use of diversion through extrajudicial measures discussed earlier in the text. This has led to a dramatic reduction in the number of young people who serve terms of custody in Canada. Issues related to youth who have mental health challenges, are marginalized, or are part of both the youth justice system and the child welfare system (crossover youth) were discussed. Reiterating the concept of emerging adults, the difficulty of young people being placed in adult penitentiaries once they turn 18 years of age was demonstrated in the case study of Ashley Smith.

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## EXERCISES AND REVIEW

### Review Questions

- What are status offences?
  - What are unique about these offences?
  - Describe how we might see a decline in status-like offences.
- Describe the current climate of youth incarceration in Canada. What changes have we seen in the rates of custodial sanctions handed to young people over the last decade? What changes to legislation can be credited for this change?
- Describe the differences between each of the three categories of sentences that a youth in conflict with the law may face, noting the trends in usage of each category:
  - in-court sanctions
  - community-based corrections
  - custody and supervision orders
- What is meant by a “crossover” youth? Approximately what percentage of youth accused of a criminal matter in Ontario were found to be in child welfare care?
- What are some of the contributing factors to the over-representation of Indigenous youth in conflict with the law in Canada?
- How might the extent of the over-incarceration of Indigenous youth be reduced—and hopefully eradicated?
- Explain why the current youth justice system is considered by many to be inefficient in supporting young people with mental health issues.
  - What unique challenges are faced by this population?
  - What could be the result on recidivism of translating these challenges into specific criminogenic needs?

## Research Exercise

1. Closed custody (i.e., secure custodial facilities) and open custody (i.e., group homes) are commonplace across provinces and territories in Canada. Think about your hometown, or a community that you are familiar with. Which facilities for youth in custody are you aware of in your area? Conduct an internet search and note any pertinent findings.
  - a. Are these facilities closed or open custody?
  - b. Were you aware of them prior to your search?
  - c. Note the geographic locations of the facilities: can you comment on what this may mean for the families and supporters of the youth in conflict with the law?

## Discussion Questions

1. What issues might a reintegration plan address? What things do you think would be important to deal with as a young person prepares for reintegration? How do they relate to offending behaviour?
2. In light of the research that pointed out three components of effective interventions with youth in custody (i.e., positive social climate, content of the intervention, and the youth's motivation), discuss how you would set up an ideal program for young persons in secure custody.
3. Are adult sentences ever appropriate for young persons, in your view? When?
4. What does Frank Abagnale's case tell us about the rehabilitation of youthful offenders?

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