

**Stakeholders' Perceptions of Youth Justice:
Perspectives from the Frontlines**

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ABSTRACT

Little research that addresses Canada's Youth Criminal Justice Act (YCJA) has explored or utilized the rich perspectives of key front-line stakeholders in the youth criminal justice system. The direct experiences of these youth justice workers, who daily interact with young offenders, their families, other justice system providers, outside agencies, and the general community, contain valuable insights that might meaningfully contribute to discussions of the effectiveness of the YCJA, and its Restorative Justice approach, as implemented in both custodial and community-based justice settings. For the purpose of gathering the perspectives and opinions of such front-line justice workers, a selected sample of professionals currently employed within the youth justice system (two youth workers, two probation officers specializing in young offenders, two restorative justice caseworkers, and a police officer), was obtained. Individual interviews were held in semi-structured, audio-taped sessions. Recorded interviews were subsequently transcribed and analyzed utilizing a discovery based, cross comparative qualitative approach. Data was coded at three levels, in a process of increasing refinement through thematic and conceptual organization, that led to the development of the following descriptive and representative categories: *Young Offender Backgrounds and Needs*; *Stakeholder Roles and Responsibilities*; *Current Youth Justice*; and *Recommendations for Youth Justice and Services*.

Findings of this research reflect deep commitment and investment on the part of interviewed stakeholders and their general support of the Youth Criminal Justice Act. Stakeholders, however, did identify areas of critical professional concern and offered

suggestions for improvement of the Act and its implementation in daily youth justice settings and practice.

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REFLECTIVE STATEMENT

Being a stakeholder myself as a correctional youth worker employed at the Nova Scotia Youth Facility, my dedication to the field of juvenile justice is, like the individuals interviewed, rooted in care and concern for offending youth. Through my early employment within adolescent group homes designed for youth in the care of my home province of Ontario, I discovered the joys of working and interacting with youth in a residential setting. This love led me to Mount Saint Vincent University, pursuing my Masters degree in Child and Youth Studies, and gaining employment with the Department of Justice. The experiences and relationships that I have endured and created with both the youth themselves and my co-workers has motivated my academic work and secured my commitment to the field of assisting youth through their involvement with the law.

This thesis was crafted with the utmost care in preventing me, as both a stakeholder and a researcher, in transferring my own experiences into the interviews. This possibility was reduced through increased objectivity provided by utilizing a second analyst who also assisted in the development of the research protocol/questions. As such, I believe that the essence of the participants was captured through this work, and it is my hope that through attention, research, and the commitment of numerous helping professionals, we further impact the lives of young offenders.

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CHAPTER ONE: INTRODUCTION

Statement of the Problem

Juvenile justice legislation in Canada continues to be reformulated with the recent development and implementation of the Youth Criminal Justice Act (YCJA) of 2003. Historically, youth justice in Canada has provoked considerable controversy and divided perspective among the general population and, particularly, those who serve in legal, policy-making, service-programming, treatment/ rehabilitation, and advocacy roles related to young offenders. Bala (1994) cited such divided, at times diametrically opposed, stances related to youth justice. One perspective views young offending from a more restrictive, penal attitude, based on societal accountability and retribution, whereas the other represents a more contextual understanding and view towards rehabilitation of the young offender. The former perspective conveys a 'get tough' approach, while the latter embraces a philosophy and practice of restorative/re-integrative justice for the young offender, the victim, and society itself (p. 247). Where the Juvenile Delinquents Act (JDA) of 1908 was primarily concerned with social welfare and its replacement, the Young Offenders Act (YOA) of 1984, constituted a more legalistic approach to young offenders (RCMP, 2005). The current Youth Criminal Justice Act (YCJA) of 2003, looks to promote restraint, accountability, proportionality, and extrajudicial measures as a balance between its predecessors (Barnhorst, 2004).

With the YCJA now in place for nearly three and a half years, a growing body of research is emerging and looks to gauge its early effectiveness. In this regard, McKnight (2006) noted the general improvement in sentencing options. Under the current act,

judges now have numerous alternatives to custody, and broader options for both rehabilitation and reintegration back into society. Accordingly, there has been a marked decrease in custodial sentences since the enactment of the YCJA. Notwithstanding, there continues to be an active debate as to whether youth still, at times literally, “get away with murder” (RCMP, 2005, p.2), by being afforded too many chances under the new system. This latter point is dramatically underlined by the recent Nunn Commission of Inquiry that was convened in Nova Scotia to investigate why a woman lost her life due to a dangerous young offender being released from custody (nunncommission.ca, 2005).

Considering the diverse background and compounded issues that accompany juvenile justice, little research has examined the perspectives of major stakeholders in the youth justice field: specifically, those of youth workers, police officers, probation officers, and social workers. Given the regular contact the individuals within these professions have with young offenders, and the enormous personal and professional investment of these individuals, both in the lives of young offenders and the youth criminal justice system, their first-hand, front-line perspectives would seem an indispensable resource to policy makers in their review and application of the YCJA. As such, research developed to most effectively access, analyze, and interpret these integral viewpoints may make a responsive and valuable contribution to the discussion of the relative merits of the YCJA and its impact upon young offenders and stakeholders in the juvenile justice system, alike.

Purpose and Aim

The purpose of this current study was to investigate identified juvenile justice

stakeholders' perspectives related to the nature, application, and impact of the Youth Criminal Justice Act upon their professional experiences, duties, and responsibilities. A qualitative research approach was selected as best suited to the gathering, analysis, and interpretation of the data, with a view toward both contributing to the understanding of such lived experiences and critical perspectives of those serving in the youth justice system. This study yielded informed recommendations in terms of policy-making and programming related to the needs of these professionals.

Research Questions

1. What are the roles, duties, responsibilities, and functions of stakeholders involved with youth justice in Canada, particularly in Nova Scotia?
2. How do these roles connect with the established legislation, policies, and procedures related to the Youth Criminal Justice Act, both in the professional and non-professional sectors?
3. How do major stakeholders view the nature and effectiveness of the Youth Criminal Justice Act?
4. What assets, supports, or barriers might influence major stakeholders' perceptions and performance of duty related to the Youth Criminal Justice Act?
5. What, if any, modifications do major stakeholders view as necessary or useful to the Youth Criminal Justice Act?
6. What, if any, resources, services, or programs do major stakeholders identify as necessary or useful to their implementation of the Youth Criminal Justice Act?

Definition of Terms

The following definitions will be utilized for the purposes of this research: (Taken from the Alberta Solicitor General website, solgen.gov.ab.ca, 2006, unless otherwise noted)

Age - The YCJA applies to young persons who were between the ages of twelve and seventeen years old at the time of the offense (rcmp.ca, 2005).

Alternative Measures- A program that may be offered to first time offenders in lieu of the formal court process. Youth must admit to their crime and an agreement is signed that stipulates what they must do to satisfy the program. Sanctions may include a letter of apology, an essay, a donation to charity, community service work, or other appropriate conditions that show the offender has learned from the experience.

Breach- Occurs when a youth fails to adhere to the conditions of their sentence. Youth can be charged with failing to comply (John Howard Society, 2003).

Conditional Discharge- A sentencing option available when a youth pleads or is found guilty of an offense that does not call for a minimum custody term. The court must ensure that the discharge is in the best interest of the accused and serves public interests.

Conditional Sentence- Sentencing option for youth who are convicted of an offense and sentenced to less than two years. The court can direct the sentence to be served in the community if the subject agrees to various conditions.

Conference- A Youth Justice Court Judge, the Provincial Director, a police officer, a justice of the peace, a prosecutor or a youth worker may meet to decide appropriate extrajudicial measures, conditions for judicial interim release, sentences, and reintegration plans.

Custody and Community Supervision Order- A custodial sentencing option used

under the YCJA. The first two-thirds of the sentence is served in custody and the final third is served in the community under supervision.

Custody and Conditional Supervision Order- A custodial sentencing option under the YCJA. A judge determines the length of time the youth serves in custody and the amount served in the community under conditional supervision with conditions set by the court. This order is typically reserved for more serious offenses.

Deferred Custody and Conditional Supervision Order - A custodial sentencing option under the YCJA. The order cannot exceed six months and the offense cannot be a serious violent offense. Youth can serve their sentence in the community and if they violate the agreement, they would be placed in custody for the remaining portion of the order.

Extrajudicial Measures- include:

Do nothing further - Police will conclude that the intervention is sufficient to accomplish the objectives of the criminal justice system and the matter will end there.

Warnings - Oral or written warnings given to youth by police officers.

Police cautions - Youth will be accompanied by their parent to the police detachment and meet with an officer.

Referral to community program or agency - Youth is referred to a community resource (rcmp.ca, 2005).

Indictable Offense- An offence that is designated in the Criminal Code of Canada as such and outlines its consequences. There are few timing limitations with regard to when formal charges can be laid.

Intensive Support and Supervision Order (ISS) - A sentencing option supervised by probation officers. Offers high levels of support and close monitoring of compliance

with court sanctions.

Probation - A community sentence option available to the courts. Youth are required to abide by court imposed restrictions.

Reprimand - A sentencing option under the YCJA which entails a stern warning from a judge.

Restorative Justice – The new term for Alternative Measures under the Youth Criminal Justice Act. A meeting is arranged between the arresting Police Officer, the family of the young offender, and the victim(s) of the crime, if they choose to participate.

Stakeholder - An individual who has a specific professional role or duty that directly stems from or has close relatedness to the Youth Criminal Justice Act (e.g., youth workers, probation officers, social workers, restorative justice personnel, and police officers).

Summary Offense - Designated as such in the Criminal Code and has a maximum punishment between six and eighteen months. There is a timing limitation of six months between the time the offence occurred and when charges are laid.

Youth Criminal Justice Act (YCJA) - Current Federal legislation for youth justice, enacted on April 1, 2003.

Youth - Any individual between the ages of twelve and seventeen, inclusive, as per the Youth Criminal Justice Act.

CHAPTER TWO: LITERATURE REVIEW

SECTION 1: The Evolution of Youth Justice in Canada

PART I: Pre 1908

At the turn of the nineteenth century and spanning into the early twentieth century, a large number of orphaned, neglected, or abused immigrant children could be found dwelling in Canadian cities. Their condition was partially due to long, unhygienic voyages from the 'old' world, involving the overcrowding of ships and the subsequent spread of disease. Coupled with the fact that the colonies were often used to house Europe's unwanted members, including criminals and orphans hard pressed to adjust and settle without adequate social supports, a number of youth found themselves in trouble with the law. According to Justice Canada (canada.justice.gc.ca, 2005) a tragic common denominator among many juvenile offenders was parental neglect, contributing to such personal and social problems as lack of financial and physical support, school truancy, and mental and emotional difficulties.

'Delinquent' children were regularly dealt with based on the attitudes, customs, and laws that prevailed in the mother countries of England and France, and childhood, itself, was generally seen as a short stop on an early and direct path to adulthood. Children were expected to understand and accept the challenging realities of adult life, and expectations to adapt to adult roles and responsibilities were largely inflexible. In eighteenth century England, adulthood was conceptualized to begin at age seven, from which time individuals were held to take full responsibility for their crimes. Repeat offenders, quite unimaginably by today's standards, often had iron collars placed around

their necks or their lower lips cut. Others were placed in decrepit jails with a daily diet of bread and water. History records indicate there were instances of children under the age of seven being executed for criminality (canada.justice.gc.ca, 2005). While many youth endured harsh encounters with the law, some were granted mercy. Interestingly, punishments for young offenders in both English and French Canada were a combination of harsh laws, retribution, and justice tempered with mercy. There was agreement that children under the age of seven could not be held their responsible for understanding their criminality.

In an 1848 government investigation into Upper Canada's first prison, Kingston penitentiary in Ontario, the Brown Commission documented the lack of distinction between youth and adult offenders. Such documented punishments as a May, 1845 incident, in which a 10-year-old-boy was recorded to have been publicly lashed fifty-seven times for 'staring and laughing', while an eleven year-old French Canadian boy received twelve lashes for 'speaking in his mother tongue', drew public attention to the plight of young offenders, and the severity of the justice system towards them (canada.justice.gc.ca, 2005).

The eighteenth century was identified as the 'Age of Enlightenment' in Europe due to advancement in science and philosophy, bringing with it an emphasis on humanity and a belief that society could be improved. In Upper Canada, politician and physician Charles Duncombe reported to the 1836 Legislature that prisons should not merely be places for strict punishment, but rather for the reformation of morals and intellectual improvement. A dramatic change in how Canada treated young offenders was requested, in which local communities would be asked to assist in the reformation of juvenile

delinquents. Most importantly, Duncombe was one of the first Canadian reformers to publicly suggest that the roots of delinquency lay outside the person, and that entire communities were semi-responsible for dealing with offenders (canada.justice.gc.ca, 2005).

Following in Duncombe's footsteps, George Brown became associated with the treatment of young offenders. In his 1849 Commission, Brown recommended that society attempt to rescue and reform youth by building houses that were divided into two sections; one for neglected or undisciplined children and the other for those who had been convicted of a crime. It was suggested that youth be offered education and be apprenticed out for training in trades. The writers envisioned a system that would combine education, labour, and exercise. Reformists like Brown and Duncombe, however, did not go unchallenged as many people still believed that offenders should be punished, and that leniency would merely encourage more crime. Since there were no social service organizations, officials either had to place young offenders in jail with adult criminals, return them to negative home environments, or force them to fend for themselves in society (canada.justice.gc.ca, 2005).

Eventually, attitudes began to change, allowing childhood to be viewed as a distinct developmental period. In the mid 1800's, two strictly juvenile facilities were opened in Isle-aux-Noix and Penetanguishene. These recycled army barracks were to incorporate work, discipline, academics, and religious services, although these centres struggled due to the broad age range and a lack of formalized training of staff. Unfortunately, both institutions wound up being run as punishment centers that lacked both education and rehabilitation (canada.justice.gc.ca, 2005).

Despite these early disappointments, issues of child welfare began to gain attention. An 1862 Inspector's Report on a Montreal jail described how little boys were often seen in rags. In Nova Scotia, legislation was passed in the 1860's and 1870's that limited the juvenile prison term to ninety days. E.A. Meredith submitted a report that called for alternatives to jail as 'imprisonment in jail tends to complete the ruin of the unfortunate child' and that 'jails were nurseries of vice and hotbeds of crime' (International Cooperation Group, p. 13). Early intervention, along with proper care, education, and training, would deter youth from becoming professional criminals. The Halifax Protestant Industrial School adopted Meredith's philosophies and opened in 1864. The school was designed to house and educate homeless and neglected children and was run by community volunteers. The courts became aware of the school's services and began sentencing young offenders to this resource. The organization became a model for other experimental programs and prompted numerous alternatives in the later nineteenth century. Industrial schools, public education, foster care, and progressive legislation were being promoted by a body of middle-to-upper class women who were also lobbying the government for child protection legislation (canada.justice.gc.ca, 2005).

In 1874, Ontario passed the Industrial Schools Act which allowed institutions to open and serve neglected and problem children. Scholars, including Egerton Ryerson, argued that if more convicts received a basic education the number of people in jail would be substantially lowered. By 1890, the Prisoner's Aid Association of Canada had developed a detailed set of proposals for treating young offenders. They wanted special courts for youth; a limited use of detention for those under age fourteen, qualified staff for reformatories and industrial schools, and the use of flexible sentences. This, combined

with an 1891 Ontario inquiry into the prison and reform system which included sixteen recommendations for youth justice, led to considerably more focus on the subject of juvenile crime. The inquiry believed that school attendance should be strictly enforced, that youth should be subject to curfews, and that those under the age of fourteen should only be arrested and detained if absolutely necessary. The inquiry also wanted youth to stop being held within police stations, an increased usage of suspended sentences, the introduction of a probation system, and the utilization of apprenticeship programs (canada.justice.gc.ca, 2005). These demands received considerable attention and impacted the field of youth justice.

In 1857, the Legislative Assembly of Canada passed an act which made young offenders' trials and punishments occur more quickly. The Act was amended in 1875 to permit the courts to send sixteen-year-old boys to a reformatory instead of prison for sentences between two and five years. In July, 1894, Parliament passed The Act Respecting Arrest, Trial, and Imprisonment of Young Offenders. This provided for the separation of youth and adult criminals. Youth under the age of sixteen would have separate trials, be protected from public knowledge, and receive sentences that would assist in reformation and training. It also included the newly-formed Children's Aid Societies Act, which stated that if any boy under twelve and any girl under thirteen was charged with an offense, an officer of society would be notified and an investigation conducted. After this process, a variety of sentences could be imposed including foster care, fines, suspended sentences, or industrial schooling (canada.justice.gc.ca, 2005).

The premise of this Act was that young offenders were not criminals in need of strict punishment but, in fact, were youth who needed help and understanding. Instead of

inflicting sentences that reflected the offense, background information would be available to help authority's direct youth into rehabilitation that would meet their individual needs. Outside agencies were now available to offer different perspectives on how to intervene in the lives of young offenders (canada.justice.gc.ca, 2005).

Although progress was being made, there was no reduction in youth crime. Poor facilitates, inadequate funding, and untrained staff were a few of the many reasons why the system was failing. Child welfare officials maintained that young offenders were more often victims, and that their poor upbringings were to blame. Despite arguments between professionals who wanted rehabilitation and those who wanted punishment, the Juvenile Delinquents Act (JDA) was passed in 1908 (canada.justice.gc.ca, 2005).

PART II: The Juvenile Delinquents Act of 1908

The JDA was considered to be social welfare legislation and applied to youth aged seven through sixteen-or eighteen depending on provincial legislation (rcmp.ca, 2005). The Act followed the doctrine of *parens patriae*; the state can intervene as a parent in situations where a family is unable to meet the child's needs. Juvenile justice was concerned with the child's best interests and stated that "every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child" (International Cooperative Group, p. 21). There were separate courts for young offenders, but any youth over the age of fourteen accused of an indictable offence could be transferred to an adult court. Youth had to be detained in a juvenile facility and neither the names of the youth, nor their parents, could be published in the public realm (canada.justice.gc.ca, 2005).

In 1965, a report titled *Juvenile Delinquency in Canada* drew attention to issues surrounding the JDA. These included the lack of uniformity regarding the types or sizes of institutions, the number and qualifications of staff, and the policies that were administered in the training schools. The report called for greater standardization of services and programs, better training for individuals employed by the courts, equal application of the contents, and mandatory pre-sentence reports. It also encouraged the courts to inform youth of their right to attain counsel, allow provisions to be made for the protection of rights, and permit broader rights to appeal judgments. This report was the beginning of numerous debates and identified the subsequent need for reforming the JDA (canada.justice.gc.ca, 2005).

In 1970, the federal government proposed Bill C-192 entitled the *Young Offenders Act* which addressed many of the issues identified by the 1965 report. It was opposed by interest groups who believed that it was too legalistic and corrective. Therefore, this 1970 document was not adopted by parliament (canada.justice.gc.ca, 2005).

PART III: The Young Offenders Act of 1984

In 1982, Parliament passed the *Young Offenders Act (YOA)* which became law in 1984. It introduced a more legalistic model for youth justice as it distanced itself from the social welfare approach that was adhered to under the JDA. Youth were to be held accountable for their actions, but the act was also careful to recognize that offenders were not yet adults. In this context, the YOA undertook measures in its philosophy and application to reflect and maintain the *Charter of Rights and Freedoms (1982)*, as a

legally and socially groundbreaking piece of human rights legislation (rcmp.ca, 2005).

The YOA was formulated based on the philosophy that young people who commit offenses must take responsibility for their delinquent actions. It also strove for balance by recognizing that youth have particular needs requiring attention and special consideration. Whenever possible, young offenders should be sentenced to community solutions, and their guardians should be involved in the legal process. The major difference between the JDA and the YOA was the fact that youth were no longer charged with delinquency, but instead for violating a section of the criminal code, and the sentences meted by the courts accordingly reflected the seriousness of the crime committed. Further, the YOA's authority did not extend to provincial laws and therefore, it was no longer possible to transfer jurisdiction to the provinces. In addition, there were no longer indeterminate sentences, and the minimum age covered by the Act was increased from seven to twelve years. The Young Offenders Act legislated for alternative sentencing and provided youth with due process; including the right to appeal their sentence and the right to obtain counsel (mapleleafweb.ca, 2006).

There were a number of amendments to the YOA. In 1995, concurrent with the Federal/Provincial/Territorial Task Force's investigation of the Act, the Minister of Justice asked the House of Commons Standing Committee on Justice and Human Rights to also review the YOA. In 1998, the Minister of Justice responded to these reports with the release of *The Strategy for the Renewal of Youth Justice* (rcmp.ca, 1999). The principles put forth in this document became many of changes incorporated and introduced by the current Youth Criminal Justice Act of 2003.

In 1991, police-reported youth crime in Canada reached its highest recorded level.

By 1996, it had returned to the pre-YOA, 1983 level (Carrington, 1999). In fact, statistics indicated a constant decrease in overall youth crime in Canada beginning in 1992, although youth violence evidenced an increase, particularly among females (Trepanier, 2004). Notwithstanding, a 1997 Ontario public opinion poll reported that eighty-eight percent of the public felt that youth sentences were too lenient under the YOA, while a national poll discovered that eighty-point-six percent of Canadians shared this view (Barber & Doob, 2004). Dramatic and somewhat sensationalized media reports of the later trend seemed to substantiate the notion that public policy is often driven by society's perception of the problem (Flash, 2003). A letter to the editor of a local newspaper highlights a major concern. It asks:

When are we going to demand a serious change to our youth-crime laws?...For the cost of attempting to rehabilitate one young offender over the course of several months, a good kid can be put through medical school, with enough money left over for someone else to get a bachelor's degree. Wouldn't this benefit society more than our current methods of dealing with the problem of youth crime? ("Time to get tough", 1998, as cited by Oakley, 1999)

As such, despite the general trend lower incidences of youth crime since 1992, there mounted increasing public concern about the efficacy of the Young Offenders Act (Trepanier, 2004). While the Act endeavored to address the protection of society, youth accountability, the special needs of the youthful offender, rehabilitation, alternative measures, the rights of young persons, and the least possible interference of the courts, it did not direct judges to consider such critical issues as proportionality, provided little guidance as to how to interpret the law, and could only encourage police departments and provincial governments to adopt out-of-court programs (Pulis & Sprott, 2005). Certain outcomes of the Act, in fact, seemed to counter its intentions. Police were dealing with

young offenders more often, judges were commonly using custody terms, and there were substantial disparities in sentencing (Carrington & Schulenberg, 2004). Kowalski and Caputo (1999) found that the prior record of the offender affected sentencing regardless of the age, gender, or seriousness of the current offence. With the passing of the Youth Criminal Justice Act of 2003, Parliament addressed many fundamental issues of youth justice that had been controversial for decades.

PART IV: The Youth Criminal Justice Act of 2003

The Youth Criminal Justice Act (YCJA) is one element of a broader structure and strategy, the “Youth Justice Renewal Initiative”, (YJRI), endeavoring, once again, to reform juvenile justice in Canada. From its introduction 1998, The YCJA has looked to introduce measures to address the limitations of the YOA, including an increase in federal funding for the provinces, the development of new Restorative Justice community programs, and increasing public awareness and education aimed at reintegrating youth back into their home communities (Statistics Canada, 2005). Specifically, the YCJA sought/seeks to shift the emphasis from the youth court system to community-based responses/programming for lesser, non-violent crimes (Basso et. al., 2004)

While during the YOA’s first year of enactment, British Columbia saw a seventy-three percent increase in custodial admission, and Ontario saw a seventy-nine percent increase during this same period (Doob, 1992), the YCJA now looks to redress trends under the YOA; the youth incarceration rate was much higher than the adult incarceration rate, youths would usually receive longer sentences than their adult counterparts, and Canada’s youth incarceration rate was much higher than other western

countries (McKnight, 2006). In fact, according to the Department of Justice (1997), only twenty-five percent of young offenders were dealt with outside of the formal justice system, compared with fifty-three percent of American youth, fifty-seven percent of British youth, and sixty-one percent of youth in New Zealand (canada.justice.gc.ca, 1999).

The Youth Criminal Justice Act's (YCJA) purpose is to:

prevent crime by addressing the circumstances underlying a young person's offending behavior, rehabilitate young persons who commit offences and reintegrate them back into society, and ensure a young person is subject to meaningful consequences for his or her offenses, in order to promote the long-term protection of the public. (mapleleafweb.com)

The YCJA hopes to balance the legalistic framework of the YOA with the social needs approach which underlined the JDA. The Act also emphasizes that extrajudicial measures should be utilized instead of courts for non-violent first offenders. It encourages the involvement of families, victims, and communities. In terms of sentencing, a variety of options are available with custody being reserved for violent and repeat offenders. All custody terms are to be followed with a period of community supervision, and a plan for reintegration back into the community must be prepared for each young person serving a custodial sentence. Since youth courts have been empowered to impose adult sentences for higher profile offenses, there no longer is the transfer of these more serious cases to adult courts (canada.justice.gc.ca, 1999).

In terms of extrajudicial measures, Barnhorst (2004) notes that almost fifty percent of youth court cases under the YOA consisted of minor offenses. A national survey of youth court judges identified that fifty-four percent of those questioned believed that half or more of the cases they ruled on could have been better dealt with

outside of their courtrooms. While the YOA permitted alternative measures, it did not provide the necessary guidance required to successfully implement their use.

Alternatively, the YCJA outlines a range of options for police and prosecutors for effectively dealing with youth without involving the courts, and calls for cases to be evaluated to see if extrajudicial measures may be more appropriately applied.

Currently, controversy surrounds the YCJA involving issues of remanding youth in custody, the minimum age of application, and issues of restitution. The province of Nova Scotia is calling for changes to the YCJA to allow the courts to detain offenders before their trial if the youth is perceived to be a threat, and to change car theft from a property offense to a violent offence. These proposed changes stem from Nunn Commission, which investigated the death of Teresa McEvoy who died as a result of a youth on probation committing auto theft and attempting to evade police in pursuit (herald.ns.ca). Current Canadian events also highlight the Acts inability to punish children under the age of twelve. On October 17, 2006, it was reported in the Chronicle Herald newspaper that a fourteen year-old disabled teenager was pushed into a Winnipeg shed by a group of children aged eight through eleven, who then shut the shed's door and set the structure ablaze. These youth cannot be held accountable for their actions under the current act. Currently at issue is also the question of whether or not parents should be held financially responsible for their children's crimes. Ontario and Manitoba have provincial legislation in place to hold parents accountable, and Nova Scotia is debating whether to join this trend (herald.ns.ca). Due to the fact the YCJA remains in it's infancy, vital issues continue to be brought to the attention of legislatures', stakeholders', and society alike.

SECTION II: Current Statistics

From a financial standpoint, of every dollar the Canadian government spent during the 1996/97 fiscal year, approximately three cents was spent on policing, courts, and correctional services. Justice spending, including policing, courts, legal aid, criminal prosecutions, adult corrections, and youth corrections totaled almost ten billion dollars. Youth corrections is responsible for approximately five percent of this expense (Besserer & Tufts, 1999). According to estimates, it costs at least one hundred and fifty dollars a day to house a young offender (legaid.on.ca, 2006).

The Department of Justice (1999) website states that of the approximately one-hundred and ten thousand cases heard in youth court during the 1996/97 year, twenty-four percent involved seventeen-year-olds; twenty-four percent involved sixteen-year-olds; fifteen percent were fourteen-year-olds; eight percent were thirteen year-olds; and three percent were twelve-year-olds. Approximately two-thirds of all cases resulted in a guilty verdict. One third of convicted youth received custodial sentences, one-half received probation, while one-sixth were ordered to perform community service or pay fines. Custodial sentences were handed to approximately twenty-five thousand youth and these usually lasted for short periods of time; over a quarter received sentences that lasted less than one month, half were between one to three months, and eight percent were over six months. At the time of the article, there have been approximately thirty-five hundred to four thousand youth in custody on any given day for the previous five years. These statistics represent sentences that were derived under the YOA. Interestingly, under the YCJA, on average, thirteen hundred and forty young persons were in sentenced custody on any given day in 2003/04 (statistics Canada, 2005).

A review of youth statistics supports that youth crime steadily declined between 1991 and 1997. During this period, the number of youth charged with an offence dropped from six hundred forty-three to four hundred ninety-five per ten-thousand youth. This decrease was mostly found in property offenses. Unfortunately, the rate of youth charged with violent crimes increased from eighty-three to ninety-one per ten thousand youth. Since the peak in 1995, violent crime has decreased by three point two percent. Only a fraction of youth are involved in serious and repeat criminal acts, particularly violent acts. Statistics from 1997 show that eighty-two percent of charges laid against youth were for non-violent crimes which included theft, drug possession, and breaches. The remaining eighteen percent were violent crimes with over half of these being for minor non-sexual assaults. Most of the charges were for property related offences and half of these were for theft under five thousand dollars (canada.justice.gc.ca, 1999).

During 2003/04, there was an average of seven hundred and forty young people being held on remand status, awaiting their court date in a custodial facility. This is down by eight percent from the previous year. Also during 2003/04, there were approximately twenty one thousand, three hundred and thirty youth adhering to a probation order. This statistic was down by almost twenty percent (statistics Canada, 2005).

Under the YOA, the number of youths incarcerated for very minor offences escalated so dramatically that teenagers convicted of such crimes were actually more likely to receive jail time than those convicted of more serious crimes. Conversely, only forty-six hundred youths were sentenced to custody during 2003/04, down forty-four percent from the eighty-three hundred custodial sentences in 2001/02. Under the YCJA,

however, the proportion of youth receiving jail time for serious crimes has increased significantly (McKnight, 2006).

SECTION III: Young Offenders and Critical Issues

Ungar (2001) presented a case study that highlights some of the critical issues that many young offenders face. Jeremy, a sixteen-year-old repeat offender was serving a one year sentence for stealing a car while high on drugs and then destroying it in an accident that almost killed him, and his passenger. At the time, he was on probation for a similar offense. When asked about his deviant behavior, he shrugged and stated: “I think it’s good that I’m in here for the time I’m in here. ‘Cause I’ll get a lot of stuff done here that I want to get done” (145). While in custody, he succeeded in school, participated in sports, and stayed away from drugs and alcohol. By age seventeen, Jeremy had spent the majority of his adolescence in and out of custody. He had dropped out of school at fifteen, was drinking heavily, and had few prospects for work or socially acceptable leisure. In custody, he understood that change was needed, but at home he returned to his old patterns and negative choices (Ungar, 2001).

Steinberg, Chung, and Little (2004) emphasize that the development of many young offenders is an accumulation of disadvantage. Like Jeremy, many have struggled with multiple problems at home, school, and in their communities prior to their involvement with law enforcement. The authors argue that it is well established that most young offenders struggle with at least one, or a combination, of the following problems: poor school performance, mental health problems, unstable and unsupportive family

relationships, poverty and crime ridden communities, delinquent peer influences, and the absence of positive role models. Vandergoot (2006) referred to young offenders' vulnerabilities as the "snowball effect" (p. 56), commenting on how a variety of factors contribute to their offending behaviors. Ethnicity by itself is a critical factor related to young offending. American statistics show that even though Black and Hispanic males make up about fifteen and sixteen percent of the general juvenile population, they account for about forty-five and twenty percent of the incarcerated population respectively (Steinberg, Chung, & Little, 2004). In Canada, Latimer and Foss (2005) report that Aboriginal youth are eight times more likely to be incarcerated than non-Aboriginal youth, while Chief Judge Barry Stuart of the Yukon Territorial Court states that individuals in jails suffer from substance abuse, have few employable skills, and are disconnected from mainstream society. At least half of all offenders in his territory suffer from Fetal Alcohol Syndrome, and have been in jail so much that they have become institutionalized (cited in Green & Healy, 2003).

Learning disabilities also challenge many of the youth involved with the Department of Justice. Psychoanalyst Erik Erikson is closely attached to the challenges of social development and self-understanding. He believed that someone is shaped by the integration of personal disposition and environment with historical forces. During Erikson's fourth stage of psychosocial development, a child is battling industry versus inferiority, where they must deal with the demands to learn new skills or risk a sense of inferiority, failure and incompetence (Lefton, Boyes, & Ogden, 2000). Many youth could be unable to keep up with the educational norm and therefore lack personal understanding. It is possible that their environment, their genetics, and their inability to

maintain educational achievement impact their criminality. Kvarfordt, Purcell, and Shannon (2005) point to studies that estimate that between thirty-five point six and forty-six percent of youth in custody have identifiable learning disabilities. Further, the number of youth in correctional facilities who had received special education prior to being incarcerated is at least three to five times higher than youth in public schools who have been labeled as having a disability. Baer and Maschi (2003) state that the most serious offenders enter the justice system with a history of developmental, emotional, and mental health issues.

It has been theorized that many seriously delinquent youth have impaired social cognitive functioning due to early trauma. As a result of early and accumulated stress, all too often related to home maltreatment, unaddressed learning and developmental needs, and the effects of family instability, conflict, or violence, many adolescents who exhibit extreme antisocial behaviors are seriously impaired in their ability to function independently in society (Todis et al., 2001). It has been estimated that unmet mental health needs affect two-thirds of male and three-quarters of female inmates. When left untreated, childhood psychological problems may worsen and cause severe psychiatric problems in adulthood (Steinberg, Chung & Little, 2004). Finally, young offender facilities do little to counter the adverse conditions or influences of their outside lives or to provide youth developmentally appropriate experiences such as access to relationships with pro-social peers, that facilitate a healthy transition into adulthood (Ungar, 2001). Simply put, incarceration in youth custody facilities does little to provide opportunities or contexts for 'normal' developmental experiences or motivation for healthy developmental change and growth.

SECTION IV: Stakeholders

Stakeholders', as identified by the researcher include youth workers, probation officers, social workers, police officers, and restorative justice personnel. Youth workers are employed within a correctional setting are responsible for the day-to-day care of youth sentenced to a custody term. Probation officers tend to the youth after they receive a sentence, to be served either in the community or in custody. Social workers are involved if the youth is a ward of the province. Police officers make the youth accountable for illegal actions while restorative justice personnel implement community based conditions, such as mandatory classes.

PART I: Youth workers

According to Bowlby (cited in Radmilovic, 2005), the role of the child and youth care counsellor is to provide what might be termed, a 'secure base' upon which children and adolescents may grow and develop in a healthy and positive manner. As Radmilovis (2005) further outlined, the development of invested, caring relationships with children, and particularly youth, incorporating components of 'security, trust, emotional support and respect' provides the basis on which "to explore, with the intent to understand and appraise old, unconscious stereotypes of self and world and experiment with feeling, thinking and acting in novel ways" (p.134). In this context, the field of youth work has emerged, straddling the boundaries between child welfare, medicine, mental health, and education. At its very core, it is a field that is dedicated to the needs of youth, and by extension, their families (Lochhead, 2001):

The expertise of the youthworker is unique and not organically part of any other discipline; it is not social work, education, psychology, occupational therapy, or recreation, although it draws on all of these and others. Nor has any of the established professions shown itself as able and appropriate to encompass youthwork. (Beker, 2001, pg 365)

As Anglin (1999) describes, there are five characteristics that differentiate the child and youth care profession from other allied human service disciplines, each of which are illustrated by the student researcher in a youth worker corrections context: First, child and youth care is primarily focused on the growth and development of children and youth. Youth workers in a correctional setting assess youth on their strengths and needs and use these results to aid in their rehabilitation. Secondly, child and youth care is concerned with the totality of a child's functioning. The focus is holistic rather than on one facet of functioning as is characteristic of other human service disciplines. Our profession is child-focused and generalized, requiring the input of various other professionals.

Third, child and youth care has developed a social competence developmental perspective rather than a pathology-based orientation to development. Workers tend to believe that children are doing the best they are able, despite individual circumstances, and that they can be best assisted by working on the next step which builds on their existing strengths and abilities. Fourth, child and youth care is based on, but not restricted to, direct, day to day work with children and youth in their environment and is not limited to a single setting. Although some assume other professional supporting roles, all remain grounded in the direct care work which allows for the retention of our professional title. Finally, child and youth care involves the development of therapeutic relationships. This lies at the very centre of our work and combine(s) the richness and

intimacy of the ‘personal’ with the rigor and the goal-directedness of the ‘professional’” (p. 145). Developing therapeutic relationships requires the integration of knowledge, skills, and elements of the self. A high level of personal and professional development on behalf of the worker is required (Anglin, 1999).

A youth worker employed in a juvenile justice setting may have an enormous impact on young offenders sentenced to their facilities. By merit of their roles and duties, youth workers spend the most time with youth, beyond that of assigned probation officers, social workers, or if a lengthy sentence is imposed, even family members. As Krueger and Stuart (1999) note, each interaction in youth care occurs in a unique context. The authors believe that there are three interconnected ways to think about the working environment. For example, the meaning of an interaction between worker and offender may be influenced by the youth worker’s prior experience with the particular, or other, youth in a similar situation. Or, if a youth worker and a youth are not developing a meaningful relationship, could this be a result of the youth’s family issues and a lack of trust in authoritarian figures? A youth worker could be deciphering both internal and external cues in an attempt to understand a youth’s behavior. Secondly, there is the atmosphere in which the interaction is occurring. This could include tone, mood, space, light, sound, smell, or movement. In an environment like a young offender’s custodial facility, this atmosphere is almost entirely artificial. How a youth would act outside of the facility is not comparable to how they behave inside the institution. Youth in custody do not have the added pressures of family circumstances, tempting substances, or peers to contend with while serving their sentences. Third, the nature of the interaction is vital to this newly formed relationship. Following the previous example, are the pair discussing

release plans and the worker believes that returning to the youth's previous environment is not conducive to their rehabilitation goals? These arguments can also be applied to facilitating rehabilitative programs as well. "Workers change or adjust the activity to meet the needs of the youth based on their assessment of the meaning, required skill level, atmosphere, and anticipated outcome" (p. 197).

Applying Moses (2000) work on residential child care workers to youth workers, the intensity of the contact with youth places them in a prime position to build intimate connections and help achieve treatment goals. This goes hand-in-hand with the notion that youth and worker relationships have the therapeutic potential to be a corrective, emotional experience for youth in need. The author states that workers possess "intelligence, capacity for relationships, attitudes and commitment to emotionally difficult work have important therapeutic implications for the severely emotionally disturbed children in their care" (p. 113).

In addition, it is documented by Radmilovic (2005), early and repeated experiences with people who care set a base for our internal working models of relationships with the self and others. This attachment based perspective is especially important for youth workers in a custodial setting. Workers become role models and display and teach new social skills and an opportunity for youth to learn and develop more socially acceptable behaviors.

Radmilovic (2005) cites Maier's 1991 work which proposes that child and youth care practitioners understand and discriminate between a developmental change of a first or second-order. First order changes are described as concrete actions taken to quickly stop problem behavior(s). The behavior is usually reversible and slight adjustments may

need to be addressed in the existing system. “First-order change is incremental, a linear progression to do more or less, better, faster, or with greater accuracy” (p. 129). A hypothetical application to a custodial setting would consist of a substance abusing youth halting his addiction while serving his sentence. The youth’s micro system has changed by being incarcerated, but his macro system has not altered. The community that youth live in has not changed; they will probably return to using drugs when their sentence is completed. A second-order change however “involves a non-linear progression, a transformation from one stage to another. The aim would be to enable the individual to behave, think, or feel differently” (p. 130), and requires greater creativity and a prolonged investment of time and contact:

enduring change in an individual’s behavior occurs only when there is change in the internal working model supported by change in the system(s) that one lives in and there is sufficient time, opportunity, and support to integrate the new experience. (130)

Correctional youth workers have an idea of what type of youth they are trying to rehabilitate. A direct relationship between staff behavior and attitudes and youth behavior and general progress has been documented. Youth know staff members idiosyncratic response styles and modify their behavior to compliment their expectations (Moses, 2000). Experiential learning and change takes place within an interaction or an interactive process. Development, learning, and hopefully change, occurs during the day-to-day experiences that youth and workers share (Radmilovic, 2005).

PART II: Police Officers

Police officers ultimately have the responsibility of suppressing crime and protecting citizens from unlawful acts (Borrero, 2001), and, as such, are major

stakeholders in the youth justice system. When and if police officers lay a charge, they publicly define what types of offenses are affecting their communities (Schulenberg, 2003). The decision to lay charges, to administer justice through the courts or through community programs, are some of the options that officers have at their disposal. Being that a majority of youthful offending is due to immaturity (Vandergoot, 2006), police officers use intuition, among other factors, in deciding whether or not to lay formal charges. The “Safe Canada” website (safecanada.ca), provides a link to an article entitled ‘Police Perceptions of Current Responses to Youth Crime’ that indicates general dissatisfaction among sampled police officers with how the youth justice system currently responds to high risk youth. These front-line officers state that the ‘root of the problem’ (i.e., young offending) requires enhancement, if the hope is to prevent crime and stem repeat offenders. In this regard, surveyed officers expressed their belief that initial interventions should be more invasive and consequences harsher for repeat offenders. In this same survey, many police officers cited the ineffectiveness of probation stating that “so now when a kid gets sentenced it’s probation, probation, probation. He gets probation seven times. Next time I break the law I’ll get probation” (4). Although the majority of the officers questioned are satisfied with how first offenders are treated, they state that repeat offenders and youth involved in more serious crimes require a different and more intrusive response.

According to Carrington and Schulenberg (2003), the type of alleged offense has a large impact on the probability of police officers laying a charge. A youth apprehended for mischief or arson has a one in three chance of being charged. Youth held for major offenses against the person and offences against the administration of justice are almost

sure to be charged. Prior contact with the police plays a significant role in the decision to charge a detained youth. For example, a youth with five or more prior meetings are more than twice as likely to be charged as those with no previous record. The probability of being charged is higher when the victim is a parent or a close friend. Alternatively, the likelihood drops if the victim is another family member or an acquaintance. A youth who commits an offense with one or more co-accused is also less likely to be charged.

PART III: Probation Officers

Probation officers also play a major role in the rehabilitation and reintegration of young offenders. They prepare the presentence report which provides the courts with relevant background information, as well as identifying problem areas that may hinder the youth's progress. They recommend programs, services, and treatment that will assist the court in arriving at the best sentence for the youth in question. They stipulate the placement for youth on community service orders and counsel youth about various aspects of their lives (city of Calgary, 2005).

In order to be placed on probation, the youth must keep the peace and be on good behavior, appear in court when required, and notify his/her probation officer of any changes in their personal information. Conditions may be added to support the youth which are directed at his/her individual needs. These include remaining in the province, attending school or gaining employment, or obeying a curfew (city of Calgary, 2005). Under the YCJA, youth serve two-thirds of their sentence in custody and the remaining third in the community, under the supervision of their Probation Officer.

In summary, the treatment of Canadian youth who offend has evolved from

shadowing European law to adhering to three pieces of federally-drafted Canadian legislation. The Juvenile Delinquents Act of 1908 adopted a social welfare approach, while the Young Offenders Act of 1984 opted for a more legalistic stance. Our current legislation, the Youth Criminal Justice Act of 2003, was enacted with the hope of discovering a balance between the two previous pieces of legislation while addressing many of the reported issues surrounding juvenile justice. Issues of criminality in youth are compounded by unmet physical, emotional, and educational deficits in a majority of adolescents standing before police officers, and judges. Professionals in the field of youth justice could provide pertinent insight when undertaking a review of the YCJA, its effectiveness, and its shortfalls.

CHAPTER III: METHODOLOGY AND SAMPLE

Qualitative Research

Qualitative research has a well-established history with the human sector (Denzin & Lincoln, 2003). According to Berg (2001), qualitative research seeks to address critical questions by examining a variety of social settings and the individuals who inhabit these identified situations. The procedures that guide this form of research provide a method of accessing the perceptions, experiences, and lived phenomena of human participants/informants (Berg, 2001).

Denzin and Lincoln (2003) outline that qualitative research is a situated activity that locates the observer in the world they are curious about, involving an interpretive, naturalistic approach to inquiry. As Marshall and Rossman (1999) observe, “Researchers are intrigued with the complexity of social interactions as expressed in daily life and with the meanings the participants themselves attribute to these actions” (p. 2). Marshall and Rossman (1999) further offer eight characteristics of qualitative research and its researchers, namely: Research is naturalistic; it draws on numerous methods that respect the humanity of all participants involved, is emergent and evolving, and is interpretive. Its researchers view social worlds as holistic or seamless, engage in systematic reflection on their role and contribution to the work, are sensitive to their personal biographies and how these experiences and views impact the study, and rely on complex reasoning that does not chose between deduction and induction (p. 2)

By utilizing qualitative techniques, researchers are able to share in the understandings and perceptions of others and explore how people structure themselves

and give meaning to their daily lives (Berg, 2001). Given that the proposed research looks to discover stakeholders' perceptions of youth justice, and their roles within the youth criminal justice system, a qualitative approach is deemed most suitable and appropriate to the researcher's intentions and aims

Interviewing

Rubin and Rubin (1995) refer to qualitative interviewing as a 'great adventure', where every step of the interview brings out new information (p. 1). It is a way of finding out what others think and feel about their worlds. The researcher is able to understand experiences and reconstruct events through the power of imagination. Through what the interviewer hears and learns, she can extend their intellectual and emotional reach across sex, race, class, time, or space. Accordingly, Seidman (2006) characterizes interviewing and the eliciting of storytelling from interview participants as a meaning-making process of qualitative inquiry. As Seidman notes, when people tell stories, they chose details of their experiences to share, "recounting narratives of experience has been the major way throughout recorded history that humans have made sense of their experience" (p. 8).

According to Rubin and Rubin (1995), qualitative interviews are a versatile approach to completing research. All interviews share three characteristics which distinguish them from other forms of data gathering: they are modifications or extensions of ordinary conversations, they are more interested in the understanding, knowledge, and insights of the people they are interviewing than categorizing them in relation to academic theories and, finally, the content of the interview, as well as the choice of topics

and, consequentially, the flow of the meeting, changes to match what the interviewee knows and feels. This research utilized the benefits of individual interviews to understand and effectively examine stakeholders' perceptions of youth justice.

Participants

This study involved eight participants who are directly involved in the juvenile justice system. The individuals constituted three youth workers from a youth custodial setting, two probation officers carrying a predominantly youth caseload, one police officer, and two individuals involved in the Youth Criminal Justice Society and/or Restorative Justice. Effort was made to seek variation and range in gender, age, and length of employment service. This purposive sample invited participants mainly from the researcher's professional contacts and word of mouth referrals within the youth criminal justice system, based upon their relatedness to the topic of the research. This type of sample was appropriate to extract the desired data; information that, in the researchers mind, accurately represents stakeholders' perceptions of youth justice.

Procedures and Data Gathering

The sources of data for this research project were individuals who represent each of the four identified stakeholders' in youth justice: youth workers, probation officers, police officers, and members of the Youth Criminal Justice Society and/or Restorative Justice. Individuals were recruited based on the researcher's professional contacts. The Department of Justice, the Youth Criminal Justice Society, Restorative Justice and the Royal Canadian Mounted Police were contacted and confirmed that this study met their

established research policies. A contact person from each organization received a copy of a Letter of Information (Appendix A), which was tailored to their organization. Each participant was provided with a Letter of Information (Appendix A), outlining the purpose of the study, their anticipated involvement, and both the intended goals and benefits of the research.

After participants expressed an interest in the study and verbally agreed to be involved, they were asked to sign documents of Informed Consent to participate in an individual interview (Appendix B). This signed document indicated an agreement to participate in the research project. Matters of confidentiality, potential risk, voluntary participation, right to withdraw from the study, proper storage of materials, and the later destruction of research materials were included in the Letters of Information and Letters of Consent.

The interviewer and interviewee then arranged a mutually convenient meeting date, time, and place conducive to the research and both interested parties. A list of semi-structured interview questions (Appendix C) served as a guide for the interview process. Upon meeting, participants were asked to complete a brief Demographic/Background Information Survey (Appendix D), designed to provide context, appropriate cross-participant comparison, and confirmation (triangulation) of the interview data.

Data Analysis

According to Marshall and Rossman (1999), "data analysis is the process of bringing order, structure, and interpretation to the mass of collected data" (p.150). Specific to interviewing approaches, Rubin and Rubin (1995), offer that data analysis

allows one to discover themes and concepts embedded in the interview process. The researcher is able to combine themes and concepts into broader explanations and hear the meanings of what was communicated by research informants. As Berg (2001) outlines, the process of data analysis process is ordered and purposeful:

- Data are collected and made into text (e.g., field notes, transcripts, etc.),
- Codes are analytically developed or inductively identified in the data and affixed to sets of notes or transcript pages,
- Codes are transformed into categorical labels or themes
- Materials are sorted by these categories, identifying similar phrases, patterns, relationships, and commonalities or disparities,
- Sorted materials are examined to isolate meaningful patterns and processes,
- Identified patterns are considered in light of previous research and theories, and a small set of generalizations is established (p. 240).

By developing categories in an inductive manner, researchers are permitted to link these categories to the data that they uncovered through the interview process (Berg, 2001).

Pertaining to the credibility of the research, *dependability* and *confirmability* were addressed by double-checking the data with study participants and using two coders during the data analysis stage (Fitzgerald, 1994 as cited by Paris-Bonenfant, 2005). Rubin and Rubin (1995) state that issues of reliability, replication by another researcher, and validity, are not as applicable to qualitative research as they are to quantitative study. They believe that researchers judge the credibility of the work by its *transparency*, the reader's ability to see the processes of data collection, *consistency*, the researcher investigating ideas that appear inconsistent, and *communicability*, the realness of the

research (i.e., having the research reflect the worlds described by the research participants).

Triangulation has been identified as the process of employing multiple perceptions to clarify meaning and therefore, verifies the replication of a particular observation or interpretation (Stake, 2003). Janesick (2003) has identified four basic types including:

- Data triangulation: the use of a variety of data sources in a study,
- Investigator triangulation: the use of several different researchers or evaluators,
- Theory triangulation: the use of multiple perspectives to interpret a single set of data,
- Methodological triangulation: the use of multiple methods to study a single problem (pp. 66-67)

Investigator and theory triangulation was employed in this study.

Ethics

Transparency in this research was achieved through full disclosure of the research process to all involved parties. Rubin and Rubin (1995) state that transparency is the reader being able to read the research and able to see the basic processes of data collection. A study that has achieved transparency permits the reader to assess the strengths, weaknesses, biases, and the conscientiousness of the interviewer. All participating individuals were provided with a Letter of Information, signed a Letter of Consent to be interviewed, and were provided with ample opportunity to discuss any questions or concerns about the research via telephone, e-mail, or face-to-face

discussions. Individuals involved were provided with the contact information for the researcher, her thesis advisor, and the University Research Ethics Board (UREB).

This study assured confidentiality to its participants by maintaining anonymity throughout the course of the research. All participants' responses were coded, and only the researcher and her thesis supervisor knew the identity of the respondents (refer to Figure 2, showing a selected sample of the coding). All obtained information, including audiotapes and written notes, were kept in a locked storage box and placed in a private location in the student researcher's home. Within three months of Mount Saint Vincent University publishing the work internally, all research materials will be discarded into the MSVU documents' bin for subsequent disposal and destruction.

Participants were reminded of their right to stop the taping of their interviews and withdraw from the research at anytime. They were also informed of their right not to answer any questions which negatively affects their comfort level. Due to the fact that individual opinions were sought, the perceived risk of harm to participants was considered to be minimal. Nevertheless, volunteers were informed that should any emotional or psychological distress emerge from their participation, the researcher is available for immediate support or referral, if required, for additional assistance.

CHAPTER IV: RESULTS

Front-line staff members representing four distinct organizations, each working directly with young offenders, offered rich experiences, opinions, and suggestions relating to youth justice in Nova Scotia. Through individual, semi-structured interviews, participants provided personal insight and assessment of Canada's Youth Criminal Justice Act (YCJA) and experience-based suggestions for its improvement. The following four major descriptive and representative categories were generated through the qualitative analysis of data and serve to organize the discussion of the research results: *Young Offenders Backgrounds and Needs*; *Stakeholder Roles and Responsibilities*; *Current Youth Justice*; and *Youth Justice and Services*.

YOUNG OFFENDER BACKGROUNDS AND NEEDS

Youth Characterizations

Young Offender Backgrounds. Stakeholders shared their perceptions of the backgrounds and upbringings of many of the youth with whom they work. In the view of participants, all too commonly the family backgrounds of these youth involve elements of inadequate parenting and care, marital discord, home conflict and/or violence, parental separation, divorce, and the absence of positive male role models, and victimization through various forms of neglect or abuse:

You wonder why some kids are the way they are. Take a good look at what their life's been like and see all of the unfortunate things that have happened. People say that they are so tough, that you can't hurt them at all. The reason why is because physically, sexually, emotionally, they've had everything done imaginable.

There's a large number of parents who have so many issues of their own it's no wonder that the environment that they have created at home has led their child to become involved [with the law].

Participants felt that, in the absence of positive parental guidance, many children/youth who later become young offenders, unfortunately draw from less healthy sources of support in order to meet their everyday needs:

We have a generation of parents who want to be friends with their kids. I have parents who say, 'I don't want to say "no" to my child', and when I ask them why, they say that it makes them [the parents] feel bad.

... children choose [who] they want to use as a major influence in their life, and it's not always positive.

In particular, youth who either were, or currently are, wards of the province (i.e., children taken into protective custody under the *Nova Scotia Children and Family Service Act*), were seen as having a higher likelihood to offend than their peers, given negative home and environmental influences that both preceded and occasioned their being out of home:

You have youth [who] come from the same backgrounds [and] suffer from similar problems

It's not difficult to see why they turned out as they have; there's no structure, no stability, no guidance.

Of interest, one stakeholder noted the preponderance of a particular medical diagnosis in the profiles of the youth in his young offender program/facility:

I cannot even tell you how many times I have read ADHD [Attention Deficit Hyper- activity Disorder] throughout entire reports...

Justice Impacts and Outcomes. Despite the often highly troubled and challenging backgrounds of many youth who offend, most participants felt that these, and all, youth are ultimately responsible for their own actions and choice in breaking the law:

...at one point, a minor decision was made that led to huge consequences. But, they know the difference between right and wrong and impulsiveness plays a role...

I really believe that we all have the ability to say 'yes' or 'no' when it comes to doing anything. The bottom line is that they need to decide 'yes', I am going to do that, or 'no', I am not going to do that.

In this context, the notion that many young offenders are both knowledgeable of the law (the Youth Criminal Justice Act) and understand what they can and cannot be incarcerated for was discussed as a source of frustration for stakeholders in their work with youth and a potentially negative influence upon later outcomes for youth both contemplating or committing crimes:

I've heard time and time again that these kids know what they can get away with now and that's disturbing to me. They [the courts] cannot bend the rules and send a youth to our facility unless they meet specific requirements and the kids know, 'if I'm doing a non-violent offense, a bunch of simple break and enters or robberies, I'm not going to have to go to Waterville'. They know what they can get away with and I've heard them brag about it. Most youth do not care, they say that they are going to do this and the most time I have ever seen anyone get for that crime is six months and that will take me right to start of summer.'

In terms of incarceration itself, stakeholders were of mixed view as to the effectiveness of custody upon young offenders. For some, time spent in rehabilitative

programming differed on the effects of incarceration and its impact on offending youth. As one participant remarked, “the time you give them is time well spent and probably in the public’s best interest,” while another mentioned the positive influence that the youth workers model and enforce during this time. Others, however, were less positive about the value of incarceration, given the distinct risk for young offenders to become more deeply entrenched in criminal behaviour through regular association with other young offenders:

They are at risk of doing something more serious in the future

They will learn to be better criminals from a lot of the guys in here, they learn the scared straight idea does not work. They come in and instead of being afraid, some think, wow, I want to be like that guy [a tougher youth],

One off-site, community based education program received particular praise and criticism from stakeholders as a example of rehabilitative programming that may provide a positive bridge for reintegrating young offenders into the general community, yet with unknown and uncertain outcomes in terms of future offending:

The {education program} model could assist youth corrections. It alleviates the shock of youth leaving custody and going right back to their communities.

A number of the {education program} graduates have gone on to commit high-profile crimes.’ It’s unlikely that it’s {rehabilitative programming in general} going to effect the overall way they are going to be. We can kind of see youth that have been with us a long time and when it comes time for them to, I do not want to say graduate, but that is really what it is, when they turn 18 and leave us, you can say that guy is going to be a system guy, you can really tell that and if we are wrong, that is great.

For all participants, the most critical feature affecting the success of rehabilitative programming for young offenders was a combination of the preparation and willingness of the youth justice facility to offer and support varied and responsive programs for those incarcerated and the willingness of the young offenders to avail themselves of such opportunities for learning and support:

If you want help, you just hit the jackpot because this place [Nova Scotia Youth Facility] will bend over backwards for you.

I've heard that a number of times, we know it's not kiddy camp, they have to ask for everything. The difference between the adult and the youth system now is the programming level, we have the numbers to provide more programming opportunities. In the adult system, you just don't see that.

As one informant cautioned, however, the existence of supportive environments and services for youth (and their families) in their everyday communities is critical to addressing youth crime. With certain regret and resignation, this participant commented that, unfortunately, one anticipates negative outcomes for some youth, despite the availability of rehabilitative programming while in custody:

I know that they'll be back [in the restorative justice program] or they'll be in the youth centre. I can almost predict that.

Young Offender Needs. One stakeholder stated that the guardians of young offenders need to "...show that discipline equals caring and love" and parent their children by setting rules and enforcing meaningful consequences. Another contributor declared that appropriate programs needed to be created in certain communities to counter the learned criminal behavior that some families are teaching their children. This

participant acknowledged how many young offenders in custody are known to other inmates both within youth and adult facilities.

Justice personnel established that young offenders need to be held accountable for their actions in a timely manner. Interviewee's believed that "...adolescents need to be consequence and assured of this consequence". Delinquent youth need to be identified and held accountable for their actions.

STAKEHOLDER ROLES AND RESPONSIBILITIES

Roles and Responsibilities

Current Roles and Responsibilities. The roles and responsibilities of the stakeholders accorded with their respective positions within the youth criminal justice system and/or their involvements with young offenders. As such, each participant described core functions and activities associated with their work, often in the context of their helping or supportive role and view towards the betterment of youth and others whom they serve. In this manner, one youth worker stated that they (youth workers) are responsible for the "care and custody of youth, up to twelve in a unit, which includes education, security and supervision, and communication with various agencies" adding that they also assisted in the 'everyday development of youth' and in 'holding youth accountable for their behavior and actions.'

One probation officer described his role as involving responsibility for any youth under supervision in [location] county, probation cases, and youth coming out of Waterville to complete the community portion of their custodial sentence,

[We] ‘supervise youth and ensure that they comply with the conditions of the court, meet with youth, their guardians and their school to ensure that they are complying with the court order, and contacting services to connect the youth with available rehabilitative programs’

while the Restorative Justice caseworkers respectfully stated their functions as being “...responsible for setting up and preparing all of the participants for the restorative justice process...” and “process[ing] youth through the restorative justice process for the purpose of diverting youth from the traditional system”. In this context, these workers outlined that they review referrals, assess offenders to determine their suitability for the program, encourage victim involvement, prepare participants for the session, and facilitate the restorative justice meeting.

In identifying their main roles and activities, however, participants, noted that they commonly wore multiple ‘hats’ or undertook various associated sub-roles and functions within their employments. Police Officers, for example, while citing their primary responsibilities as the protection of public safety and the enforcement of the law, described a range of informal roles they regularly assumed with youth, their families, and the public, involving relationship-building, education and mediation: “A lot of parents will ask us [the Police] to speak to their children about consequences...” and ‘...I do not think that it is my job to scare youth, I think it is to educate them’.

Similarly, one youth worker, characterized his work as ‘all encompassing’:

Our role is multi-faceted, we are teachers, counselors, police officers, security guards, food servers...we do it all.

Changing Roles and Responsibilities. A number of participants commented on how their roles have changed following the implementation of the YCJA. One referred to the adjustment as a ‘learning curve’, involving ongoing education and training related to both the specifics and nuances of the new Act. For many, the requirements and provisions of the YCJA, with its emphasis on Restorative Justice, regard for the rights of victims, and purpose to reintegrate young offenders back into the community, has meant increased case management and networking with outside agencies:

We have a big role under the new Act to make sure the care and custody of these boys is being dealt with appropriately and to involve the other agencies from education, to legal, to community corrections, to family. We have to tie all these together.

Restorative Justice personnel also felt change as “I could deal with the alternative measures youth much quicker, the turn out rate was quick...now I get a case that involves a lot more work...so the numbers are the same but the workload is much greater”.

Perceived Roles and Responsibilities of Others. The perception by stakeholders of the roles and responsibilities of others invested in the lives of young offenders was discussed. Consensus seemed to form around those seen as bearing most access, influence and accountability in the care and well-being of young people, namely the family, schools, the government (in its provision of healthcare and protective services), and society at large (related to the environment and social conditions in which certain children and youth are raised). For most interviewees, the role of these groups, while ongoing, was crucially significant *before* youth initially came in contact with the law:

I think that by the time they're in the process of the YCJA, it's too late at that point to go back and change too many things at home.

Sometimes a 14 or 15 year old will come in [to jail] who cannot read, or tell time. That drives me crazy, it should not be happening.

I think that there is a lot of criminal behavior that comes from frustration due to mental health issues. People fall through the cracks and mental health is not like a broken leg, you cannot see it...a lot of behavioral issues stem from misdiagnosis or non-diagnosis.

Their [Department of Community Services] role is to intervene to keep families intact and together.

There is nothing wrong with youth in my opinion, what is wrong is what the communities are providing...

Role Impact and Influence. Although stakeholders' tended to agree that their influence on youth was limited ("going against obstacles like these are daunting..."; "I can't control what happens outside of here [Nova Scotia Youth Facility, NSYF]"), each provided him/herself in generally maintaining a positive attitude toward the lives and prospects of young offenders, their effort to build understanding and supportive relationships with youth, and commitment to model positive perspectives to youth's past behaviors:

You need to get to a point where you can say, I'm not going to make the world a much better place but I can try to maintain it where it is at and I do not want to slip under the water...sometimes it is real easy to be buoyant and other days, you seem to be sinking like a stone.

They are reading us constantly...someone who is respectful towards them...spending time with them and demonstrating what you can do and need to do in the world not to find yourself in jail.

Professional Needs and Challenges

Stakeholder Challenges. Key among the sources of professional challenge for many stakeholders was the unrealistic attitudes on the part of certain parents toward the role and influence of stakeholders on youth (“It is frustrating sometimes with the expectations that parents and guardians have about what your role is and what you can do...”), the lack of coordinated service, particularly with the mental health sector, and the existence of lengthy health service waitlists for young offenders upon release from custody:

Youth have contact with mental health professionals there [NSYF] and there is no linkage between the institution and the community.

A youth comes out [of custody], and they are on a waitlist to see somebody.....

Stakeholders’ most keenly felt professional challenges, however, were related to the personal investment they placed in working directly with youth themselves. For many of the participants, the interest, caring and hope they applied to each youth came at an emotional cost when a particular youth was either uncommitted to (perhaps flippant about arrest and incarceration), or unsuccessful in benefiting from their custody and rehabilitative programming:

It is frustrating from the front end when a youth is just starting to get involved in criminal activity and has no intention or desire of complying with anything they are supposed to from the court. They get so many breaks and chances that by the time they actually go to custody, it’s not that big of a deal.

I've seen it over my career when you put some faith in a youth because he is doing well and you think that you are not going to see him again...and then he returns to the institution.

It's disappointing much more so than frustrating. We can only do so much while they are in here, and when they leave, we don't have any impact on their lives at all. You hope that you've taught them something, more than anything you hope that you have given them the opportunity when they get out to be successful. If not, I don't look at it as a frustration, I look at it as a disappointment with both the system and the youth.

As one probation officer noted, after working closely with a youth and monitoring them through the community portion of their sentence, it is particularly difficult to see them return to criminal behavior:

Sometimes it is almost harder to have them placed back in custody than it was to place them there initially.

Stakeholder Wants and Needs. In terms of their professional experiences and needs, participants shared a range of desired training modules, resources, and supports which they felt would enhance the quality of the youth justice system to the benefit of all concerned. On a training level, participants cited their need for (covered) opportunities to gain specific and practical information on such topics as substance abuse and gang affiliation, as well as for skill development in the area of human relating/counseling:

I just found out the other day that when youth are going on about 'cuz' this and 'cuz' that, 'cuz' is related to a specific gang. I did not know that. We allow this to go on unknowingly, and that is not okay. These guys all know about this type of stuff and because we do not, they've got one over on us.

We are expected to counsel youth on a moment by moment basis and counseling is such a big part of our job and we are not trained for it...you learn by trial and error and that is not the way to learn to be an effective counselor.

In terms of resources, stakeholders asked for increased time and money for both programming and for themselves, as workers, to devote to youth:

I cannot take the days off [for training] because when I come back, everything is piled up and it was already piled up before.

If we had more time to do our job, more resources, we'd see much more success with these boys.

We all do the best we can do, I have high respect for the youth workers around here [NSYF] because they get an awful lot done in an a lot of time constraints with so many responsibilities throughout the course of the day.

With regard to supports, as one informant stated, and as echoed by others, workers urgently need 'someone to help [us]' and 'more boots on the ground' to assist youth in their home communities. Another participant emphatically expressed, 'I need the governments to make a real commitment to poverty in the city {Halifax}, to helping parents and helping families in terms of a variety of things, drug issues, parental education, what it means to be a parent', which a third stakeholder called for all agencies and family members to be on the same page in terms of developing an effective case plan for incarcerated youth:

...[we discuss] what we [individuals involved in a young offenders case plan] want the game plan to entail, and it [case conferencing] allows everyone to be familiar with what I am going to do when I am setting any young offenders case plan, and if somebody doesn't agree with me then that's fine, that's the time for that to be judged...

Effect of Role on Stakeholder. Several participants made reference to the cumulative psychological and emotional effects of their work within the youth criminal justice system. For each, everyday work within the youth criminal justice system involved elements that were, as one interviewee stated, ‘tough, demanding and stressful’. Unaddressed, as another participant expressed, these conditions may lead to emotional fatigue and ‘burnout’. For this individual, the unexpected yet occasional welcome message of appreciation was/is enough to boost his spirit and re-commit himself to his work:

These things [a thank you] give your morale a huge boost and allow you to carry on for a while...

Professional Recognition

Stakeholder Recognition. While participants felt that associated agencies generally recognized the difficult work that youth workers perform (“I think that they people involved with us on a day to day basis outside of here [NSYF], [such as] educators, probation, family and children’s services, I think that they very much do recognize our work”), several individuals felt that they received neither sufficient acknowledgement nor support from superiors within their own service:

We don’t get near enough {recognition} in here, whether it is from senior management, I think they recognize the job we do only to a point...we need to be provided with more.

It is very important that you hear that {you have done a good job} from your bosses and your superiors who recognize that this is an emotionally draining job or field

in general. There is a high burnout rate and I think that if our superiors were real cheerleaders for staff, this would help...

One interviewee extended such criticism to the provincial level of Government:

We don't get paid as [much as] a probation officer does, so therefore, I don't think the department takes us as seriously as they should.

CURRENT YOUTH JUSTICE

Attitudes Toward the Youth Criminal Justice Act (YCJA)

Perceptions of the YCJA. Participants expressed mixed perspectives and understandings of the nature and merit of the current Youth Criminal Justice Act. Generally, these ranged from endorsement of the Act's effort to stem the rate of youth incarceration and provide community-based solutions to young offending to criticism of the Act's relative permissiveness in terms of sentencing involving custody:

[It's positive] to have as many youth as possible out of custody and to give alternatives to incarceration'

[The YCJA] puts the responsibility back on communities to deal with youth.

A third participant stated that they believed the Act to be too lenient for today's young offenders.

[Under the YCJA] you have to prove that a youth is on a downward spiral before you can intervene and help them. They may be too far gone before we are there.

Positives of the YCJA. Participants identified a number of positive features and outcomes of the YCJA, both for youth who offend and for themselves as stakeholders within the youth justice system. Overall, participants felt that YCJA effectively held the majority of young offenders accountable for their actions, while allowing opportunities for youth to atone for their behaviour, and avail themselves of supportive rehabilitative programming. In this regard, most interviewees applauded the Act's introduction of greater sentencing options for the court, often resulting in community-based alternatives to incarceration (deferred custody) and such creative approaches/programming as Intensive Support and Supervision (ISS), an arrangement by which youth sentenced to custody serve two-thirds of their sentence in custody, and the remaining one-third in their community, under a probation officer's supervision.(if youth is unable to abide by the conditions set to remain in their community, they are returned to custody and required to appear before a judge in order to determine whether the remaining sentence is best served in incarceration or the youth allowed another chance to succeed in the community).

For the stakeholders themselves, the Act's emphasis on Restorative Justice and alternatives to youth incarceration has resulted in increased and welcome case conferencing with others both within and without youth justice. Participants found this combined approach for the young offender provided them, and all, with a clearer sense of organization and direction, and a positive influence on their personal commitment and efficacy in their work:

Right off the bat, it gets everybody at all levels involved in a young offender's life on the same page and develops a game plan as to what their goals are.

Dealing with the youth in the community is always better. I find that it has been very effective especially for youth who lack routine. Once they are given a deferred custody order, you know within a week whether or not they will be sent to custody and when they are released, they are placed on tighter supervision.

(ISS)... you still have that one-third hanging over your head and it's not there as punishment. It is an opportunity to prove that you can [improve] your life. If you are not, it will be revoked.

When they come into (custody), good things happen, they get programs and structure but they cannot stay there forever, and when they return to their communities, and the programs and structure are no longer there, they struggle and fall back onto old habits.

Negatives of the YCJA. As earlier mentioned, participants viewed the most significant negative feature of the YCJA, and its implementation, to be leniency in the sentencing of young offenders. Several interviewees remarked upon the lengthy history and/or serious nature of young offending necessary to result in a youth's incarceration. Although one participant expressed sympathy toward the plight of incarcerated youth ("It is so destructive to a life to be sent away to jail..."), most stakeholders felt that many young offenders are simply offered too many opportunities to avoid custody, thus leading to casual, even dismissive, attitudes on the part of too many young people towards the consequences of their actions and the application of the law. As one participant observed, many young offenders who are given relatively light sentences for more serious crimes, may well experience the cold slap of reality' should they later find themselves before an adult court:

The downside is that there is no hammer anymore. Things have to deteriorate

to such a point before the ultimate penalty is applied: custody.

The history you have to build up before the court will incarcerate a youth is a definite downfall [of the Act].

They'll [young offenders] look at me and say, 'I don't know why I'm not in jail'. What message is that sending, not only to the individual committing the offense, but his whole social network?

We are sending this terrible lesson to kids about the types of crimes that can commit, and the lack of consequences for those crimes.

In this regard, many participants were additionally critical of what they perceived as the often extended and lengthy schedule for sentencing in youth court. For these participants, simply too much time passes between the initial apprehension of a youth for a crime and the eventual sentencing decision. This delay, in their view, may significantly decrease a youth's sense of accountability and consequence for his or her actions and their effects upon the victim and society. As one stakeholder contended, young offenders need to regard their offenses "with the same degree of seriousness that the victim feels".

Finally, participants shared concern and took issue with the Act in its implementation for the lack of resources and coordination between services (and service sectors, such as justice, child welfare, mental health, and education) in the community that would see, particularly incarcerated, youth be guided and supported in their reintegration to society ("There should be a transition back into communities"):

If a youth is committing an offense and not appearing in court for four or six months after the crime was committed, it loses the impact.

. . .I think the YCJA is an Act that puts the responsibility back on communities to deal with [youth]. I do not think the community for a number of reasons has been responsive to that. We try and that is all we can do, {for example} mental health is all backed up, so it [YCJA] took what was going on inside the institutions under the old YOA and put it in the community and there really were not a lot of resources available.

Schools need more resources. We [stakeholders] are probably shooting ourselves in the foot, overloading them with cases as I have started using guidance counselors due to the [lack of] mental health backups.

Improving the YCJA. In light of their concerns, participants viewed the speeding up of the youth court process, greater consistency and appropriateness in sentencing decisions, increased community resources for youth and their families, and coordination between youth and family serving agencies and programs, as conducive to improving the implementation of the YCJA and a more successful outcome for the young offender. In this context, one participant made reference to the recent Nunn Inquiry in Nova Scotia and its recommendations related to matters of youth justice, by way of emphasizing the need for and value of early, coordinated responses to families and children at risk:

The recommendations of the inquiry are ‘let’s provide more services, let’s catch these kids sooner... absolutely. I was very happy with what I read.

In all, however, participants generally felt that the YCJA was an improvement over its predecessor, the Young Offenders Act (YOA), in terms of its recognition of the rights of the victim and redirection from custody of those youth who commit relatively minor offences:

Our numbers are 20% to 25% less than what they were before the Act came in. It took a while for the Act to balance out, and [now] only the most serious offenders were being sent here (youth custody facility).

Notwithstanding, participants noted the benefit of drawing more directly from the valuable experiences and insights of workers associated with youth justice, court personnel, such as judges and attorneys, and the families of youth in trouble with the law:

[If] they listen to the stakeholders, the courts, and the families...the Act would be improved.

RECOMMENDATIONS FOR YOUTH JUSTICE AND SERVICES

Relationship Building

Relationship Building. Participants spoke both of the value of building stronger and more closely connected relationships in their work with other service providers, the public, and the youth themselves. In this regard, a number of the stakeholders emphasized the importance of conveying respectful attitudes during interactions between various parties, the benefit of increased community awareness of their roles, the need for enhanced information sharing and co-ordination among associated services, and the critical nature of developing invested, personalized relationships with youth. While the aforementioned have been recognized and improvements undertaken, stakeholders recommended the continuing enhancement of each:

We [stakeholders] all have the same kids. One youth can belong to so many different people

The coordination of all players is getting better over the years.

[Yet] The right hand does not always know what the left hand is doing. We all have to work hand in hand, and there's no reason in this day and age, especially with technology, that we should not know what is happening.

Respect is a big part of our job, they [young offenders] want respect and we [workers] want to be respected.

If I can connect the youth with somebody, if a connection was made then that process was worth it

I have never seen a community without good people in it...youth should stay in their communities, but there's a problem when there are no supports in place for them [youth].

Program and Service Availability. Stakeholders' cited their perception of inconsistency and lack of vitally needed service support between various administrative and program jurisdictions in the province. Accordingly, they recommended the improvement of funding and broadening of localized services, such as mental health and addictions, to areas critically under-serviced at present:

The level of services just isn't here, especially on the youth side. The (major health resource) has no presence here, so that is frustrating. Addiction services... there is one worker available, one day a week. He has a limited amount of time and can only meet with so many youth.

Program Funding and Staffing. As mentioned, participants strongly highlighted the urgent need for increased service and program funding, both within youth criminal justice and related other sectors (e.g., mental health and addictions). Stakeholders' often referred to various agencies and programs as 'strapped' and doing the best they could based on the resources available. "More money and more staff" was a common response to what participants would recommend by way of improvement. Participants also cited the need for increased community-based programs for children/youth and their families, early intervention in the lives of children, youth, and families at-risk, responsive, alternative school programming for students at high educational risk, additional incentives and supports for young offenders to complete their community-based Restorative Justice orders, and the development of specialized group homes for youth in trouble with the law, through which youth might receive targeted, personalized guidance and support:

Services are not there to finish the job. The next step has to be far more community involvement, it has to be mandated.

There needs to be a real infusion of money into social services in terms of helping these kids when they are young.

The problem goes back further than the criminal level. I think it goes back to the social services level and they're in no better position than we are in terms of being under funded, under resourced, and under staffed. I don't think there'll ever be any real commitment to fixing the problem because I don't think the problem starts where they want to fix it.

These guys who are being sent back over and over again to absent parents or parents who do not know how to parent, or abusive parents...lets get them out if that setting because it can be a life sentences for some...

We're sentencing them to a rehabilitative term and we're not providing them with what we say we'll provide when they do their time in the community... there is nothing available to send them to. It really does not mean anything to have all these conditions on an order.

Within their call for better funded and more broadly available preventative and responsive services for children, adolescents, and families, participants cited the existence of lengthy waiting list for services not only as a key source of frustration and disincentive for those seeking assistance before areas of risk deepen, but as a barrier to supporting youth carrying out their court orders within the community and/or eventually exiting from the youth criminal justice system:

There are long waiting lists and I think it is an absolute shame that someone in the community who needs mental health care or has been in need of a mental health assessment, that they need to come to jail or commit a crime to get it. You have to get that kind of care while you are in here (jail)... while in the community, you are waiting a year or two. I think that is absolutely shameful.

Summary:

Research participants, as key stakeholders in the youth criminal justice system, were profoundly and passionately aware of their broadening and frequently challenging roles and responsibilities under the Youth Criminal Justice Act. Within this professional context, these stakeholders endeavour to provide the highest quality service and

programming to young offenders, yet with real and certain criticism of the YCJA and its implementation. In this regard, major concerns were expressed related to perceived inconsistencies and inappropriateness in youth offender sentencing (especially for repeat offenders), paucity of available (mental health and counselling) supports in local, community-based services for current and transitioning (exiting) youth from custody and/or probation, undervaluation of the roles and responsibilities of front-line youth justice providers, and lack of opportunities for professional training and upgrading within the youth criminal justice system.

CHAPTER V: DISCUSSION, IMPLICATIONS, AND RECOMMENDATIONS

The findings of this research provide rich insight into stakeholders' perceptions of Canada's Youth Criminal Justice Act. As outlined in the *Results* chapter, while stakeholders were optimistic about youth justice and concurred in their support of the Act's general philosophy and aims under Restorative Justice, and noted positive features of the Act's implementation, they also cited numerous critical issues and needs related to the application of the Act and to matters of everyday practice in the youth criminal justice system. These issues, participants' recommendations, and implications for key stakeholders and others associated with and affected by the Youth Criminal Justice Act, are organized and discussed by addressing the study's *Research Questions*.

Research Question #1

What are the roles, duties, responsibilities, and functions of stakeholders' involved in youth justice in Canada, particularly in Nova Scotia?

The basic roles, duties, responsibilities, and functions described by each participant accorded with his or her occupation, employment setting, and professional mandate. In their broad outline, these descriptions reflect well-established and traditionally-associated features of stakeholders' respective occupations (e.g., the duty of the police officer to protect the public and uphold the law). Yet, detailing of their various everyday activities and interactions offered a keen sense of their commitment to the youth, the range and nuance of their various employments related to youth justice. In the case of the interviewed police officer, educating youth and providing them with

opportunities to understand the consequences of their actions (while being accountable for their crimes) were also identified as valuable and intrinsic to her work. In making reference to this form of activity, the officer conveyed that, at least for herself, such a personalized, invested approach to working with youth is worthwhile and necessary, despite certain challenges and frustrations involved in reaching out to engage with youth, families, and the public. As expressed by the officer, such frustration at times extends to the court in terms of its sentencing practices. In this regard, *Safe Canada* (2006), a federal publication, identifies police officer frustration with the overuse of probation in the sentencing of various types of offences, and reports that while police officers are generally content with how first time offenders are handled by the court, they are not nearly as satisfied with the sentences given to repeat offenders. This speaks to the need for police officers to have not only everyday support to meet the challenges and frustrations they experience in upholding and promoting the law, but also avenues for the expression of opinion and input into regular review of the effectiveness of the YCJA as experienced in their work.

Youth workers similarly outlined basic duties and responsibilities within the context of their assorted roles, and quickly pointed to the ‘all encompassing’ and ‘multi-faceted’ nature of their work. They shared how they are surrounded by youth eleven-hours per day, four days a week, and that they ‘did it all’: case-managed, taught programs, interacted with other stakeholders, ensured the safety, welfare and well-being of youth, and dealt with matters of discipline/consequence, as appropriate. The interviewed youth workers also spoke of their awareness of themselves as role models to the youth they serve. In both their experiences of the scope of their work and of their

influence upon youth, these participants were in keeping with well-reported descriptions of the range of youth work involvements and of the significance of the youth worker as a role model to youth. Lochhead (2001), for example, characterizes youth work as straddling the boundaries of child welfare, medicine, mental health, and education, while Radmilovic (2005) describes youth workers as role models who display and teach new social skills, and provide youth with the opportunity and support to develop their own competencies. It is critical to note, however, that, as the interviewed youth workers conveyed, commitment to their work may/does come at certain significant emotional, psychological, and physical cost, which left unattended may lead to forms of 'burnout'. In this regard, Fitzgerald (2006) speaks to elements of burnout and resiliency and further reflects upon the deeper experience of the 'soul' in youth work. The need for youth workers to feel supported in their everyday work, both professionally and personally, as they endeavour to meet the range and nature of their youth work activities, is evident. Youth workers would clearly benefit from any work-related support that offered them opportunities to feel valued in their work, meaningfully and effectively engaged with other stakeholders, provided with adequate resources for their youth programming, and relief to partake in professional upgrading and development.

The interviewed Probation Officers likewise outlined major work roles closely resembling professional descriptions in their field, including the supervision of any youth sentenced probation by the court in their district and the rehabilitation and reintegration of young offenders (City of Calgary, 2005). Through Restorative Justice, an increased number of probation caseloads has resulted from more youth being diverted from custody to community-based programming. As well, the provision for those leaving custody to

serve the remaining third of their sentence through the Intensive Support and Supervision (ISS) program (Statistics Canada, 2005), relief and support would seem critically needed by these overtaxed workers. So, too, for Restorative Justice Caseworkers who prepare all individuals for the Restorative Justice process, by reviewing all court-diverted youth offenders and providing mediation services involving young offenders, their families, victims, police officers, probation officers, and other key stakeholders.

Given that all stakeholders identified that, despite its relative improvement over past Acts, the volume and scope of their work had, if anything, increased since the implementation of the YCJA, there would seem a critical need for those within the youth criminal justice system to be provided with clearly defined and manageable employment duties and responsibilities, and financial and moral support so needed to maintain commitment, particularly in times of mounting professional challenge and stress.

Research Question #2

How do these roles connect with the established legislation, policies and procedures related to the YCJA, both in the professional and the non-professional sectors?

The roles of youth workers, probation officers, police officers, and restorative justice case workers all accord with legislation contained in the YCJA. Each professional stakeholder is responsible for a different, yet linked, component of the young justice system. At the outset, police officers investigate matters of reported crime. As a youth may be involved in such crime, the police decide to make a referral to the restorative justice program or lay formal charges against the youth. If the latter, a further decision is made to release the youth pending a court appearance, or, for more serious charges or

repeat offenders, to remand the youth to a custodial facility, Restorative justice caseworkers offer mediation programming and related services to youth appropriate for their program, while probation officers supervise all youth sentenced by the court. Youth workers care for all youth remanded or sentenced to incarceration and oversee their progress during their custodial term.

Provided that the youth criminal justice system is so closely inter-related, and youth are commonly known to several key stakeholders, there exist unique opportunities for a professional co-operation and a shared approach to each young offender, both within and the youth criminal justice system and with associated outside programmes and services. The input of stakeholders into a systemic review of not only the policies and procedures related to youth justice roles and responsibilities, but into creative approaches toward collaboration and planning among respective stakeholders in the interest of youth justice, youth offenders, victims, and the general community.

Research Question #3

How do major stakeholders view the nature and effectiveness of the YCJA?

Overall, stakeholders endorsed the Youth Criminal Justice Act, citing increased sentencing options, mandated case conferencing and greater supervision of at-risk youth as positive features. The Act, for example, directs several case conferences to be held for each youth during their time within the youth justice system. Of these, certain will involve police, sentencing judges, and provincial directors, as well as other professionals already known to the young person (The Department of Justice, 2006).

Participants felt that the Act was highly effective in assisting youth who wanted to change their criminal behaviours, but that it failed to possess sufficient 'bite' to effectively deal with more serious and repeat offenders, particularly those who commit crimes involving violence. For these interviewees, youth need to be held more accountable at the time of their actions. As one participant observed, it is much easier to give an appropriate sentence initially than to return latter and do so. In this regard, the general concern of the participants related to the recidivism rate of young offenders in Nova Scotia would seem well-based. *Perspectives on Youth Crime in Nova Scotia* (2006), reports that sixty-six percent of youth in a 2002 target group re-offended within one year of being released from a correctional facility.

Viewed with mixed support by the participants was the Intensive Supervision and Support (ISS) program, a provision of the YCJA. As earlier described, this programme allows for youth to serve the final one-third of their custodial sentence through supervised community-based programming. Those in favour of the program felt that youth benefited from a period of transition back into their communities, while those less in favour pointed to the high failure rate of youth within the programme.

Decidedly negative, in the view of participants was the Act's implementation in terms of perceived inconsistencies in sentencing, under-funding for youth justice programming, and lack of availability of resources and supports (e.g., mental health and counselling) within their respective localities.

The participants' varied, yet informed, views of the YCJA's merit and effectiveness provide strong indication of their interest and investment in its success.

Such inside views could valuably contribute to discussions aimed at improving the Act's overall functioning.

Research Question #4

What assets, supports, or barriers might influence major stakeholders' perceptions and performance of duty related to the YCJA?

Youth workers, probation officers, police officers, and restorative justice personnel have interrelated, yet diverse, roles and responsibilities within the youth criminal justice system. Accordingly they reflected in their interviews, areas of perceived common challenge and support, as well those particular to their respective professions and employments. For all, 'time and support' were critical factors, related to increasing caseloads, absence of inter-service planning and co-ordination, and the lack of available/accessible support and resources. The cumulative effect of such stresses and pressures was noted by participants as the source of potential burnout, a syndrome of emotional exhaustion and cynicism, described by Dignam, Barrera Jr., and West (1986) in *Occupational Stress, Social Support, and Burnout among Correctional Officers*, that occurs all too frequently among individuals involved in the demanding work of criminal justice. In this regard, these and other authors (Kruger, Botman, & Goodenow (1991)) suggest strongly that support, or not, from co-workers and supervisors is a critical factor in an individual's experience of workplace satisfaction and sense of personal efficacy, particularly in occupations of high stress and demand. That many of the participants in this research do not feel they receive sufficient emotional support and regard from their superiors related to their work, is a matter of considerable concern. Workers' naturally

desired to feel respected and valued in their occupations and workplaces. The detrimental effects upon workers' motivation and emotional, psychological and physical health that result in the absence of these, belies the need of front-line workers for tangible, personalized forms of recognition and support from individuals in positions of direct superiority and authority.

Research Question #5

What, if any, modifications do major stakeholders' view as necessary or useful to the Youth Criminal Justice Act?

Participants clearly saw room for improvement related to the provisions and implementation of the Youth Criminal Justice Act. Key to these, was their perception of the relative balance achieved by the present Act related to critical issues of accountability and consequence for young offenders, victims' rights, the protection of society, and the development and support of programming directed toward the institution and application of Restorative Justice. Accordingly, participants called for more sentencing discretion on the part of youth court judges, an issue the N.S. Department of Justice is presently pursuing in an effort to offer judges more options by which to place an "out of control youth" in custody (Nova Scotia Department of Justice, 2006, p.12). Specifically, stakeholders generally looked for tougher penalties for repeat and violent young offenders, consistent with the current lobbying efforts of many provincial governments (gov.mb.ca ; gov.ns.ca) A second, yet significant, issue for stakeholders involved access to, and sharing of, relevant young offender information for the purpose of effective intra/inter-related case planning. The need of stakeholders to be better informed about

details and components of a young offender's case was seen as essential to better case management. As such, the appropriate professional sharing of information among stakeholders and service providers within (and between) related areas of the youth criminal justice system, is strongly indicated.

Research Question #6

What, if any, resources, services, or programs do major stakeholders' identify as necessary or useful to their implementation of the Youth Criminal Justice Act?

The Nova Scotia Department of Justice (2006) reports that the rate of youth charged in Nova Scotia is higher than the national average. Therefore, increased funding into all areas of youth justice is required. This need was mentioned in detail by participants with one stating "if you pay for a Ford Pinto, you have to expect a Ford Pinto". Interviewees believed that the Act is filled with potential and positive ideas, but the resources are not in place, especially in communities, for it to be effective. Research has found that interventions must target multiple problems in different settings and that a combination of interventions is preferred to a single one (The Department of Justice, 2006). Steinberg, Chung, and Little (2004) state that most young offenders struggle with poor school performance, mental health problems, unstable and unsupportive family relationships, poverty and crime ridden communities, delinquent peers, and the absence of positive influences. These difficulties could be in isolation or in combination.

Contributors agreed that the Act is failing youth by not providing adequate resources in the communities for them to utilize. In addition, individuals wanted greater emphasis on early identification and intervention into communities that are known to

struggle with financial instability, crime and addiction. Recent research into family-based intervention programs has discovered that home-visiting programs, preschool intellectual enrichment programs, parenting education programs, and cognitive and social skills training are the most effective (Nova Scotia Department of Justice, 2006). According to *Perspectives on Youth Crime in Nova Scotia* (2006), the Department of Justice is working with the Department of Community Services on a safer communities initiative, where the focus will lie on communities struggling with high crime rates and socioeconomic challenges. It has been noted by the Department of Justice (2006) that “effective prevention and intervention efforts to avert the onset of antisocial behaviour among children and adolescents rely to a large extent on an accurate understanding of its origins and course” (p. 33).

This research clearly noted the regularity of waitlists for services such as anger management, substance abuse and mental health counselling as required by the courts. It has been suggested that a large portion of youth crime in Nova Scotia, particularly in Halifax Regional Municipality, is drug related with a particular focus on crack cocaine (The Department of Justice, 2006). It has been estimated that unmet mental health needs affect two-thirds of male and three-quarters of female inmates while Baer and Maschi (2003) state that the most serious offenders enter the justice system with a documented history of developmental, emotional, and mental health issues. Youth are being released from custody or placed on probation and put on a waiting list that has been known by stakeholders’ to be up to two years in length. The incidence of youth who have significant mental health needs or are dependent on substances was mentioned but there is a lack of placements for these youth. Specialized group homes were a suggestion for

improvement. One participant wanted placements to be created for a variety of issues, from drug dependency to self mutilation to ones that taught youth trades and employable skills.

The importance of young offenders attending and succeeding within the school environment with cited as a vital deterrent to youth crime. Participants noted how the school environment occupies a large portion of time, creates periods of interaction with non-offending peers, and provides recreational opportunities. A recent Canadian study found that school attachment can protect early-aggressive children from violence (The Nova Scotia Department of Justice, 2006). Programs designed for youth with attention deficits, hyperactivity, and learning disabilities need to be developed that appeal to youth as Kvarfordt, Purcell, and Shannon (2005) cite research that estimates between thirty-five point six and forty-six point six percent of youth in custody have identifiable learning disabilities.

More staff is required if change is sought. Numerous individuals wanted more time to dedicate to each client but were unable to due to the sheer number on their caseload. Certain individuals mentioned how specific youth were ‘slipping through the cracks’ and they were watching them do it, unable to dedicate enough time to them without taking it away from another youth. As mentioned in the research, individuals were not looking forward to training opportunities or vacation time due to the amount of work that would be awaiting them upon their return.

Increased training was cited as a need for many interviewees. Individuals wanted more information surrounding mental health disorders, substance abuse and abusers, gangs, psychological issues, and health problems. Workers felt that they were at a

disadvantage because they are not being kept up to date on societal problems and due to the aforementioned information sharing deficiencies, they were placed in a vulnerable position.

The following recommendations are suggested for the Government of Canada, the Nova Scotia Department of Justice, the Nova Scotia Department of Community Services, the Nova Scotia Department of Health, the Nova Scotia Department of Education Community based Justice programs, Youth Justice Facilities and Programs, and future research to assist in the field of youth justice for both those who are employed within and the youth who we serve.

RECOMMENDATIONS

Recommendations for the Government of Canada

That the Government of Canada:

- 1 Review the YCJA incorporating the experiences and input of key stakeholders within the youth criminal justice system
- 2 Increase federal core funding for Restorative community-based youth justice programmes.

Recommendations for the Nova Scotia Department of Justice

That the Department of Justice:

- 1 Share pertinent young offender case information in a timely and cooperative manner, both within the youth justice system and, as appropriate, with outside support agencies/services, in order to better coordinate and facilitate young offender case planning.
- 2 Direct adequate and stable funding toward the hiring and ongoing training of front-line youth justice personnel responsible for managing Nova Scotia's young offenders and related Restorative Justice programming.
- 3 Coordinate with other provincial departments, such as the N.S. Department of Health, and Mental Health and Addictions Services, to address gaps in the provision of available and accessible programming related to various psychological, social, and behavioural needs, including substance abuse counselling and treatment, for young offenders.

- 4 Develop specialized small option and group home residential programmes for young offenders as alternatives to placing young offenders in mainstream youth residential resources. Such newly-developed resources would be staffed by trained individuals who are educated and skilled in working with young offenders with a range of presenting psychosocial and behavioural needs.

Recommendations for the Nova Scotia Department of Community Services

That Department of Community Services:

- 1 Increase the number of programs dedicated to early intervention in Nova Scotia, including parental education and support, in order to early identify and assist higher risk families and children with areas of whole family and individual need.
- 2 Create specialized group homes and foster placements for youth in provincial care with special needs, who either have, or currently are offending.
- 3 Develop, with the Department of Justice, responsive and challenging 'outward bound' programming for high risk and offending youth. Such programming would be designed to promote both individual and social skills contributing to enhanced personal efficacy and the choosing of healthy alternatives to criminal behaviour

Recommendations for the Nova Scotia Department of Health

The Department of Health:

- 1 Employ or direct additional mental health and substance abuse personnel, to provide regular and accessible programming and support to children, youth, and families, especially in critically under-serviced rural and remote areas of Nova Scotia. In this regard, additional, strategically located residential programs throughout the province would allow such youth to remain in their home communities, close to familial and other individual support systems.
- 2 Provide additional long-term and short-term residential programming, with specialized staff, for youth suffering from mental health and dual diagnosis disorders.

Recommendations for the Department of Education

That Schools:

- 1 Develop targeted early literacy programming that identifies and responds to students assessed with learning disorders and/or experiencing early and ongoing learning and educational difficulties, including poor social and school adjustment.
- 2 Develop individual educational plans and alternative school programs for high-risk children and youth not succeeding in the regular classroom or school environment
- 3 Employ additional school support personnel, such as guidance counsellors, student support workers, and teaching assistants, in order to more quickly

identify and respond to students educational and developmental needs. Such individuals would closely consult and coordinate with parents and other key stakeholders, including mental health and social service personnel.

Recommendations for Custodial and Community-Based Justice Programs

That Community-Based Justice Programs:

- 1 Develop greater professional presence and support in the community, with the assistance and cooperation of such key resource personnel and stakeholders as police officers, social workers, psychiatric nurses, and mental health and addictions staff. Community justice programmes may create ‘drop-in’ sessions that connect youth with these professional supports.
- 2 Instill regular evaluation of current youth justice programs.

That Custodial Justice Programs:

- 1 Further develop literacy, educational, and pre-employment programming specific to the learning needs of incarcerated youth.
- 2 Further develop substance abuse program programming specific to the Health and Mental Health needs of youth in custody. Such programming should address contemporary addictions (e.g., to crack cocaine) and seek to educate/train youth justice personnel in the identification and appropriated response to substance abuse problems.

Recommendations for Further Research

The investigation of :

- 1 Young offenders' perceptions of the Youth Criminal Justice Act and of their experiences within the youth criminal justice system, for the purpose of reviewing the effectiveness of the Act and its implementation.
- 2 The perspectives of additional stakeholders, including legal (judges, attorneys), educational (teachers, counsellors, student support workers), mental health and addictions, and child welfare (social workers) personnel for their valuable insights into issues of youth development and young offending.
- 3 The education and ongoing training needs of youth workers within the youth criminal justice system, in order to better prepare and support such workers in their high demand employments.
- 4 Youth-in-care and young offending, for purposes of further understanding such matters as pre-care familial, environmental and individual factors contributing to young offending behaviour and activities.
- 5 The phenomenon of burnout among youth corrections personnel, in order to better understand and address the mental health and systems-related needs of youth justice workers.

LIMITATIONS of the RESEARCH

1. The research findings are limited to the opinions of stakeholders who voluntarily participated in the study. As such, these opinions are not representative of all youth workers, probation officers, police officers, and restorative justice caseworkers in the province of Nova Scotia.
2. Individual interviewing may be viewed as both a strength and a weakness within qualitative research. As a strength, interviews allow for personalized responses to scripted questions in a non-judgmental environment. Unfortunately, they do not allow for shared and spontaneous discussion with other individuals that may contribute to broader consideration of issues within the research.
3. As a result of the data collection method, individuals contacted to participate in the research may reflect regional attitudes related to youth justice legislation. While stakeholders were employed in both urban and rural settings, they worked less than one hundred and fifty kilometers away from one another.
4. Given the nature of the qualitative study, only eight stakeholders were interviewed. Time and availability allowed for only one Police Officer to be interviewed and no representative from the social work sector, as initially planned.

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APPENDICES

APPENDIX A

Letter of Information to the Department of Justice

Letter of Information to the Royal Canadian Mounted Police

Letter of Information to the Youth Criminal Justice Society

Letter of Information to Restorative Justice

Letter of Information to Participants

Letter of Information to the Department of Justice

To Whom It May Concern:

My name is Kristyn Anderson and I am a graduate student in the Master of Child and Youth Studies program at Mount Saint Vincent University. I am proposing to conduct a supervised research study with approximately 8 professionals in the Youth Justice field. The proposed research investigating *Stakeholders' Perceptions of Youth Justice*, is in partial fulfillment of the requirements for the degree of a Master of Arts in Child and Youth Studies.

The purpose of this research is to provide major stakeholders' (youth workers, probation officers, police officers, and restorative justice caseworkers), the opportunity to discuss their perspectives of juvenile justice and their professional roles related to the Youth Criminal Justice Act. It is hoped that this study will be beneficial to the current research which seeks to understand the experiences and perspectives of frontline juvenile justice members under the Youth Criminal Justice Act, and inform others about the essential work of these identified stakeholders. Participation may assist in the identification of problems with our current system.

I would greatly appreciate the voluntary involvement of identified employees of the Department of Justice. These individuals either worked with the student researcher at the Nova Scotia Youth Facility, or were suggested by colleagues as persons of interest in regards to the proposed research. Each participant will receive anonymity, and confidentiality, by using no identifying information, and be able to withdrawal from the study at any time without consequence. Each participant will be interviewed, which will take approximately one hour. All collected information will be kept in a locked box in the researcher's home and will be properly destroyed after the completion of the research

Please contact the student researcher, Kristyn Anderson, at (██████████), and I will thoroughly explain the research process.

If you have any questions regarding this study, please contact me, Kristyn Anderson, at (██████████) (email: ██████████) or my thesis supervisor, Dr. Michael Fitzgerald, at (902) 457-6382 (email: michael.fitzgerald@msvu.ca). This research study has met the standards of the University Research Ethics Board at Mount Saint Vincent University. If you have any questions or concerns about this study, and wish to speak with someone outside of the study itself, please contact Dr. Elizabeth Bowering, Acting Chair of the University Research Ethics Board, by telephone at (902) 457-6535, or by email at elizabeth.bowering@msvu.ca.

Thank you for your interest and I sincerely look forward to meeting with you to discuss the possibility of your contribution to this work.

Regards,

Kristyn Anderson
Graduate Student, Master of Arts, Child and Youth Study

Letter of Information to the Royal Canadian Mounted Police

To Whom It May Concern:

My name is Kristyn Anderson and I am a graduate student in the Master of Child and Youth Studies program at Mount Saint Vincent University. I am proposing to conduct a supervised research study with approximately 8 professionals in the Youth Justice field. The proposed research investigating *Stakeholders' Perceptions of Youth Justice*, is in partial fulfillment of the requirements for the degree of a Master of Arts in Child and Youth Studies.

The purpose of this research is to provide major stakeholders' (youth workers, probation officers, police officers, and restorative justice caseworkers), the opportunity to discuss their perspectives of juvenile justice and their professional roles related to the Youth Criminal Justice Act. It is hoped that this study will be beneficial to the current research which seeks to understand the experiences and perspectives of frontline juvenile justice members under the Youth Criminal Justice Act, and inform others about the essential work of these identified stakeholders. Participation may assist in the identification of problems with our current system.

I would greatly appreciate the voluntary involvement of an identified employee of the RCMP, Windsor, N.S. detachment. This individual was suggested by colleagues at the Nova Scotia Youth Facility as a person of interest in regards to the proposed research. This participant will receive anonymity, and confidentiality, by using no identifying information, and be able to withdrawal from the study at any time without consequence. The participant will be interviewed, which will take approximately one hour.

Please contact the student researcher, Kristyn Anderson, at [REDACTED], and I will thoroughly explain the research process.

If you have any questions regarding this study, please contact me, Kristyn Anderson, at [REDACTED] (email: [REDACTED]) or my thesis supervisor, Dr. Michael Fitzgerald, at (902) 457-6382 (email: michael.fitzgerald@msvu.ca). This research study has met the standards of the University Research Ethics Board at Mount Saint Vincent University. If you have any questions or concerns about this study, and wish to speak with someone outside of the study itself, please contact Dr. Elizabeth Bowering, Acting Chair of the University Research Ethics Board, by telephone at (902) 457-6535, or by email at elizabeth.bowering@msvu.ca.

Thank you for your interest and I sincerely look forward to meeting with you to discuss the possibility of your contribution to this work.

Regards,

Kristyn Anderson
Graduate Student, Master of Arts, Child and Youth Study

Letter of Information to the Youth Criminal Justice Society

To Whom It May Concern:

My name is Kristyn Anderson and I am a graduate student in the Master of Child and Youth Studies program at Mount Saint Vincent University. I am proposing to conduct a supervised research study with approximately 8 professionals in the Youth Justice field. The proposed research investigating *Stakeholders' Perceptions of Youth Justice*, is in partial fulfillment of the requirements for the degree of a Master of Arts in Child and Youth Studies.

The purpose of this research is to provide major stakeholders' (youth workers, probation officers, police officers, and restorative justice caseworkers), the opportunity to discuss their perspectives of juvenile justice and their professional roles related to the Youth Criminal Justice Act. It is hoped that this study will be beneficial to the current research which seeks to understand the experiences and perspectives of frontline juvenile justice members under the Youth Criminal Justice Act, and inform others about the essential work of these identified stakeholders. Participation may assist in the identification of problems with our current system.

I would greatly appreciate the voluntary involvement of identified employees of the Youth Criminal Justice Society. These individuals either worked with the student researcher at the Nova Scotia Youth Facility, or were suggested by colleagues as persons of interest in regards to the proposed research. Each participant will receive anonymity, and confidentiality, by using no identifying information, and be able to withdrawal from the study at any time without consequence. Each participant will be interviewed, which will take approximately one hour. All collected information will be kept in a locked box in the researcher's home and will be properly destroyed after the completion of the research

Please contact the student researcher, Kristyn Anderson, at [REDACTED], and I will thoroughly explain the research process.

If you have any questions regarding this study, please contact me, Kristyn Anderson, at [REDACTED] (email: [REDACTED]) or my thesis supervisor, Dr. Michael Fitzgerald, at (902) 457-6382 (email: michael.fitzgerald@msvu.ca). This research study has met the standards of the University Research Ethics Board at Mount Saint Vincent University. If you have any questions or concerns about this study, and wish to speak with someone outside of the study itself, please contact Dr. Elizabeth Bowering, Acting Chair of the University Research Ethics Board, by telephone at (902) 457-6535, or by email at elizabeth.bowering@msvu.ca.

Thank you for your interest and I sincerely look forward to meeting with you to discuss the possibility of your contribution to this work.

Regards,

Kristyn Anderson
Graduate Student, Master of Arts, Child and Youth Study

Letter of Information to Restorative Justice

To Whom It May Concern:

My name is Kristyn Anderson and I am a graduate student in the Master of Child and Youth Studies program at Mount Saint Vincent University. I am proposing to conduct a supervised research study with approximately 8 professionals in the Youth Justice field. The proposed research investigating *Stakeholders' Perceptions of Youth Justice*, is in partial fulfillment of the requirements for the degree of a Master of Arts in Child and Youth Studies.

The purpose of this research is to provide major stakeholders' (youth workers, probation officers, police officers, and restorative justice caseworkers), the opportunity to discuss their perspectives of juvenile justice and their professional roles related to the Youth Criminal Justice Act. It is hoped that this study will be beneficial to the current research which seeks to understand the experiences and perspectives of frontline juvenile justice members under the Youth Criminal Justice Act, and inform others about the essential work of these identified stakeholders. Participation may assist in the identification of problems with our current system.

I would greatly appreciate the voluntary involvement of identified employees of Restorative Justice. These individuals either worked with the student researcher at the Nova Scotia Youth Facility, or were suggested by colleagues as persons of interest in regards to the proposed research. Each participant will receive anonymity, and confidentiality, by using no identifying information, and be able to withdrawal from the study at any time without consequence. Each participant will be interviewed, which will take approximately one hour. All collected information will be kept in a locked box in the researcher's home and will be properly destroyed after the completion of the research

Please contact the student researcher, Kristyn Anderson, at [REDACTED], and I will thoroughly explain the research process.

If you have any questions regarding this study, please contact me, Kristyn Anderson, at [REDACTED] [REDACTED] (email [REDACTED]) or my thesis supervisor, Dr. Michael Fitzgerald, at (902) 457-6382 (email: michael.fitzgerald@msvu.ca). This research study has met the standards of the University Research Ethics Board at Mount Saint Vincent University. If you have any questions or concerns about this study, and wish to speak with someone outside of the study itself, please contact Dr. Elizabeth Bowering, Acting Chair of the University Research Ethics Board, by telephone at (902) 457-6535, or by email at elizabeth.bowering@msvu.ca.

Thank you for your interest and I sincerely look forward to meeting with you to discuss the possibility of your contribution to this work.

Regards,

Kristyn Anderson
Graduate Student, Master of Arts, Child and Youth Study

Letter of Information to Participants

Dear Colleagues,

My name is Kristyn Anderson and I am a graduate student in the Master of Child and Youth Studies program at Mount Saint Vincent University. I am proposing to conduct a supervised research study with approximately 8 professionals in the Youth Justice field. The proposed research investigating *Stakeholders' Perceptions of Youth Justice*, is in partial fulfillment of the requirements for the degree of a Master of Arts in Child and Youth Studies.

The purpose of this research is to provide major stakeholders' (youth workers, probation officers, police officers, and restorative justice caseworkers), the opportunity to discuss their perspectives of juvenile justice and their professional roles related to the Youth Criminal Justice Act. It is hoped that this study will be beneficial to the current research which seeks to understand the experiences and perspectives of frontline juvenile justice members under the Youth Criminal Justice Act, and inform others about the essential work of these identified stakeholders. Participation may assist in the identification of problems with our current system.

I would greatly appreciate hearing your views and opinions on the aforementioned topic. This would be accomplished by your voluntary participation in an interview with the student researcher. This meeting would last approximately one hour. Again, participation in an interview is voluntary and you may withdrawal from the study at any time without consequence. Confidentiality will be provided in the form of a numerical code for individual identification, and all research materials, including audiotapes, will be safely stored and eventually destroyed following completion of the study.

If interested, please contact the student researcher, Kristyn Anderson, at [REDACTED], and I will thoroughly explain the research process, as well as your informed consent. You will not be compensated for your participation in this study.

If you have any questions regarding this study, please contact me, Kristyn Anderson, at [REDACTED] [REDACTED] (email: [REDACTED] or my thesis supervisor, Dr. Michael Fitzgerald, at (902) 457-6382 (email: michael.fitzgerald@msvu.ca). This research study has met the standards of the University Research Ethics Board at Mount Saint Vincent University. If you have any questions or concerns about this study, and wish to speak with someone outside of the study itself, please contact Dr. Elizabeth Bowering, Acting Chair of the University Research Ethics Board, by telephone at (902) 457-6535, or by email at elizabeth.bowering@msvu.ca.

Thank you for your interest and I sincerely look forward to meeting with you to discuss the possibility of your contribution to this work.

Regards,

Kristyn Anderson
Graduate Student, Master of Arts, Child and Youth Study

APPENDIX B

Letters of Informed Consent for Interview

Letters of Informed Consent for Interview

I, _____, willingly agree to

 Please Print)

participate in the study entitled, "*Stakeholders' Perceptions of Youth Justice*". The research purpose and process has been thoroughly explained to me by the student researcher, Kristyn Anderson.

I agree to allow Kristyn Anderson to conduct an individual interview with me in regard to the abovementioned topic. I understand that the duration of this interview will be approximately one hour and will be audiotaped.

I fully understand that my participation in this work is voluntary and that I do not have to answer any questions that I do not wish to. I am further able to stop the interview, and/or withdrawal from the study, at any point without consequence.

I understand that my confidentiality will be maintained through coding practices which were designed to ensure anonymity, therefore, protecting my identity. I have been assured of the proper storage practices and the eventual disposal of accumulated research materials.

If I have any questions regarding this study, I may contact Kristyn Anderson at _____ or her thesis supervisor, Dr. Michael Fitzgerald, at (902) 457-6382 (email: michael.fitzgerald@msvu.ca). This research study has met the standards of the University Research Ethics Board at Mount Saint Vincent University. If I have any questions or concerns about this study, and wish to speak with someone outside of the study itself, I may contact Dr. Elizabeth Bowering, Acting Chair of the University Research Ethics Board, by telephone at (902) 457-6535, or by email at elizabeth.bowering@msvu.ca.

I understand that by signing below that I have read the information provided and agree to participate in the named study.

Participant: _____ (Please print)

Signature: _____

Researcher: _____

Date: _____

(A copy of this consent will be given to you)

APPENDIX C

Sample Semi-Structured Interview Questions

Sample Semi-Structured Interview Questions

1. Please describe for me your various work-related roles and responsibilities?
2. Please tell me about the nature of your contacts with young offenders or youth at high-risk of offending?
3. Do you believe that you impact the lives of young offenders?
 - a. If so, how?
4. How do you view your employment of contacts with youth as relating to the principles and provisions of the Youth Criminal Justice Act (YCJA)?
5. What do you feel are the most positive/negative features of the current YCJA?
6. What, if any, professional challenges have you encountered in the performance of your role(s) related to the implementation of the YCJA?
7. Are there areas of professional success or enhanced effectiveness you have experienced with the implementation of the YCJA?
8. What is your perspective on the relative merits or effectiveness of the YCJA compared to the Young Offenders Act (YOA)?
9. What is your opinion of the degree of co-ordination between services/programs designed to support the implementation of the YCJA?
Might you have suggestions for improvement?
10. Are there specific recommendations you might have for the revising of the YCJA to better meet the needs of young offenders, victims, families, society, and helping professionals?
11. In your view, are there particular deficits in the Act that neglect to address particular matters of protection, accountability, or punishment?

12. Are there needs/areas of support, training, or resources that you might identify that would enhance your work with young/high-risk offenders and the implementation of the YCJA?

APPENDIX D

Demographic/Background Information Survey

Demographic/ Background Information Survey

Gender: Male _____ Female _____

Age: _____ years

Highest Level of Education Achieved: _____

Area of Study (e.g., Major/ Minor): _____

Occupation: _____

Major Duties/Responsibilities: _____

Years spent in current occupation: _____ Yrs.

Number of average hours per day spent in contact with Young Offenders: _____ Hrs.

Years of Service with Children/Youth: _____ Yrs.

Years of Service with Corrections/Justice: _____ Yrs.

Familiarity with the Youth Criminal Justice Act (YCJA), with 5 being very and 1 being limited (please circle):
5 - 4 - 3 - 2 - 1

Typical Offenses of Youth with whom you work: _____

Majority of the youth you encounter are between the ages of: 12-14 __ 14-16__ 16-18__

Agencies that you commonly associate with through your occupation: _____

Do you feel that the YCJA is an improvement over the Young Offenders Act? (circle)

Yes

No

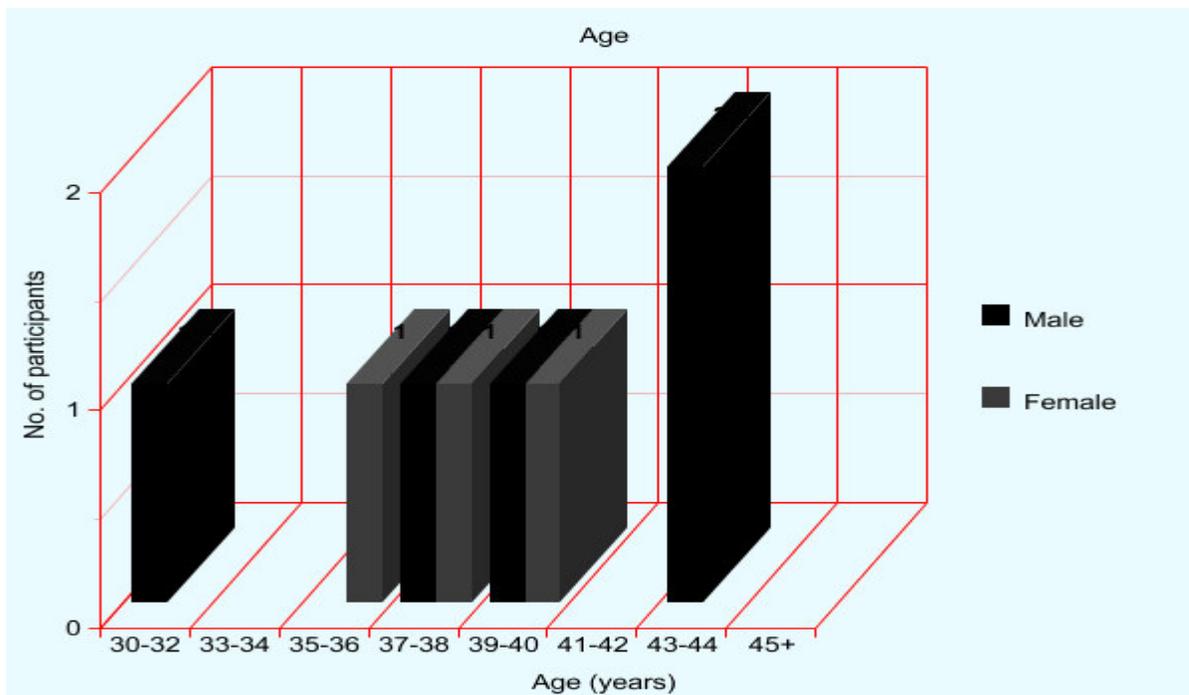
Please comment (Use back of page if necessary)

Thank you

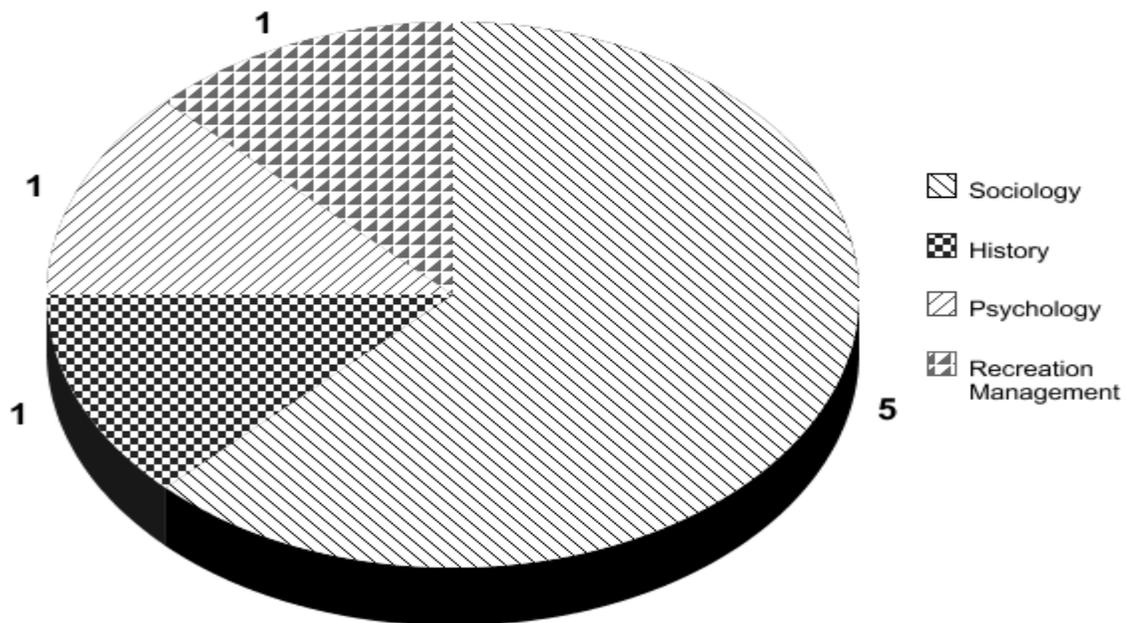
FIGURES

Figure 1
Participants' Profiles

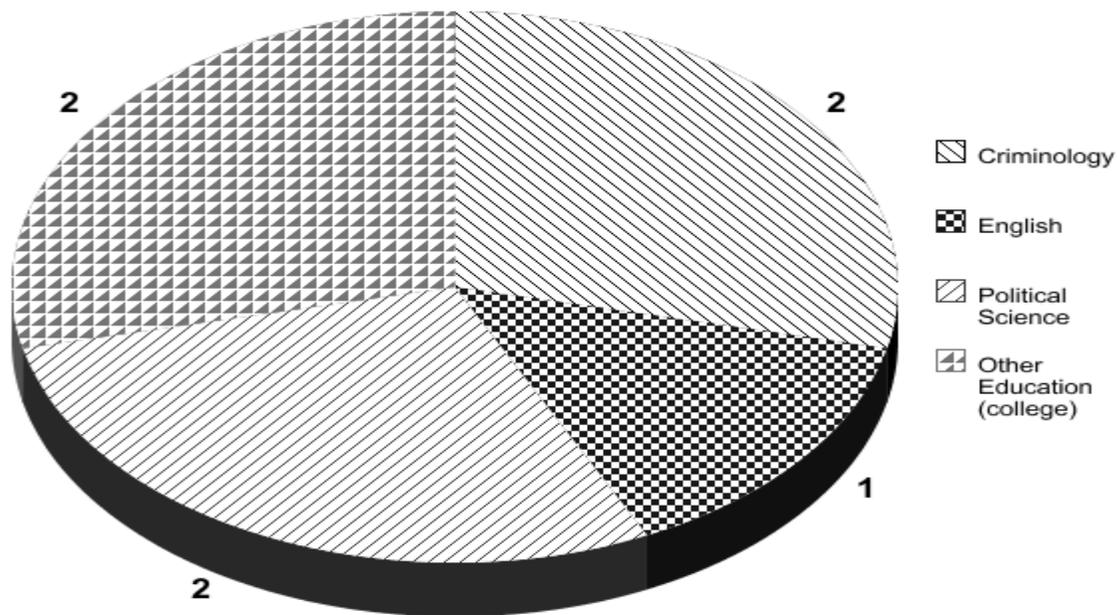
AGE OF PARTICIPANTS



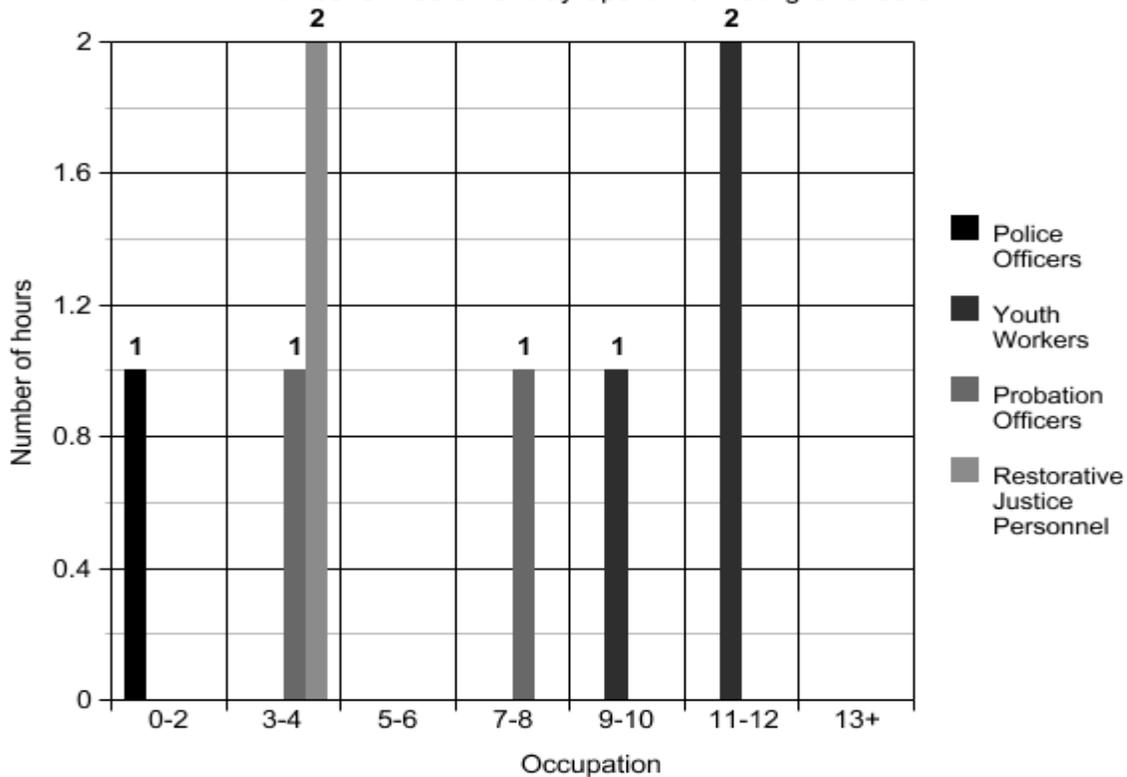
University Concentration

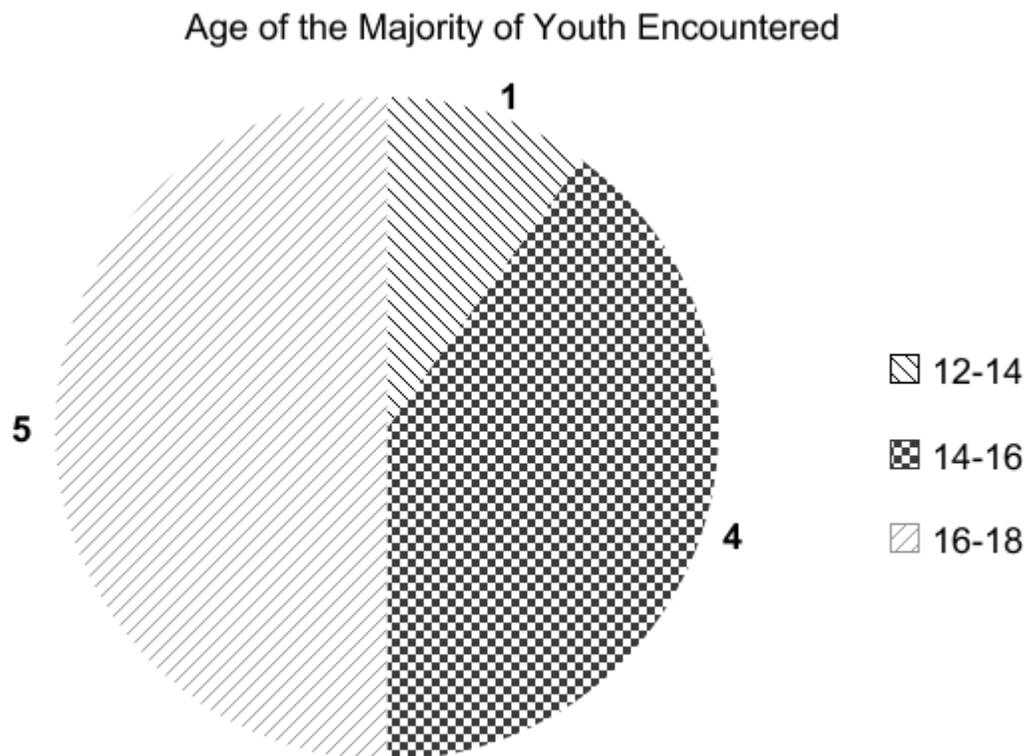
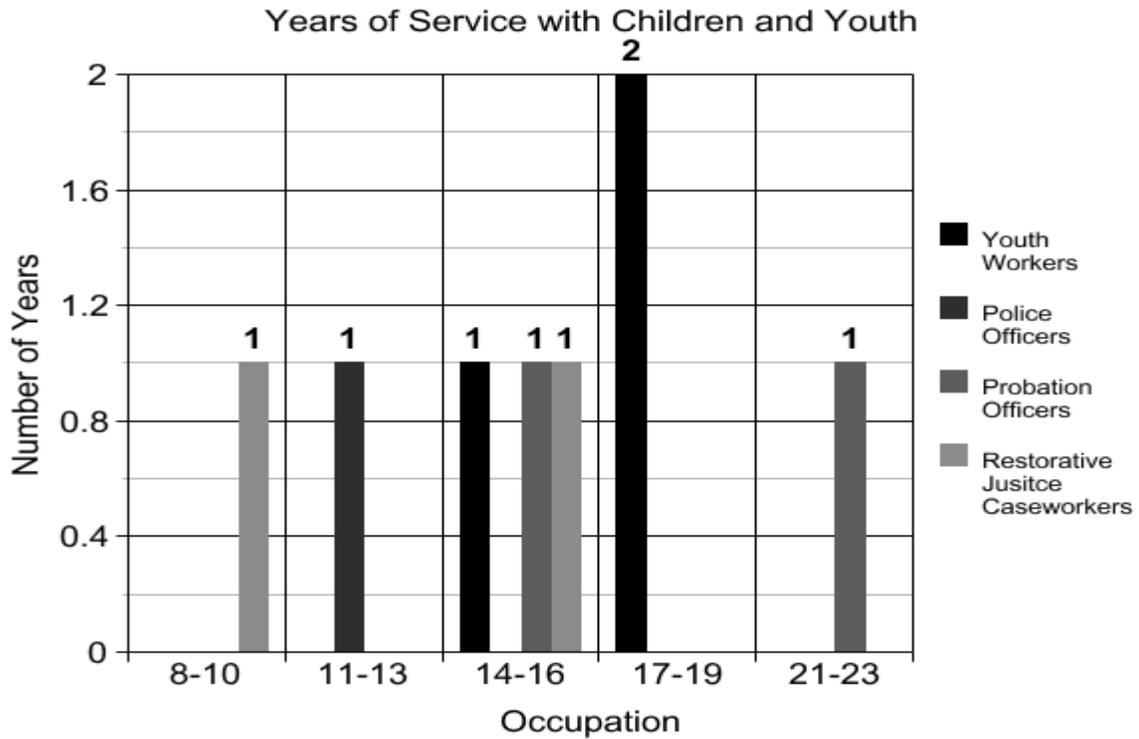


University Minor Concentration/Other Education



Number of Hours Per Day Spent with Young Offenders





One individual believed that they served all three groups equally, therefore, all three categories were chosen

Do You Believe that the YCJA is an Improvement Over the YOA

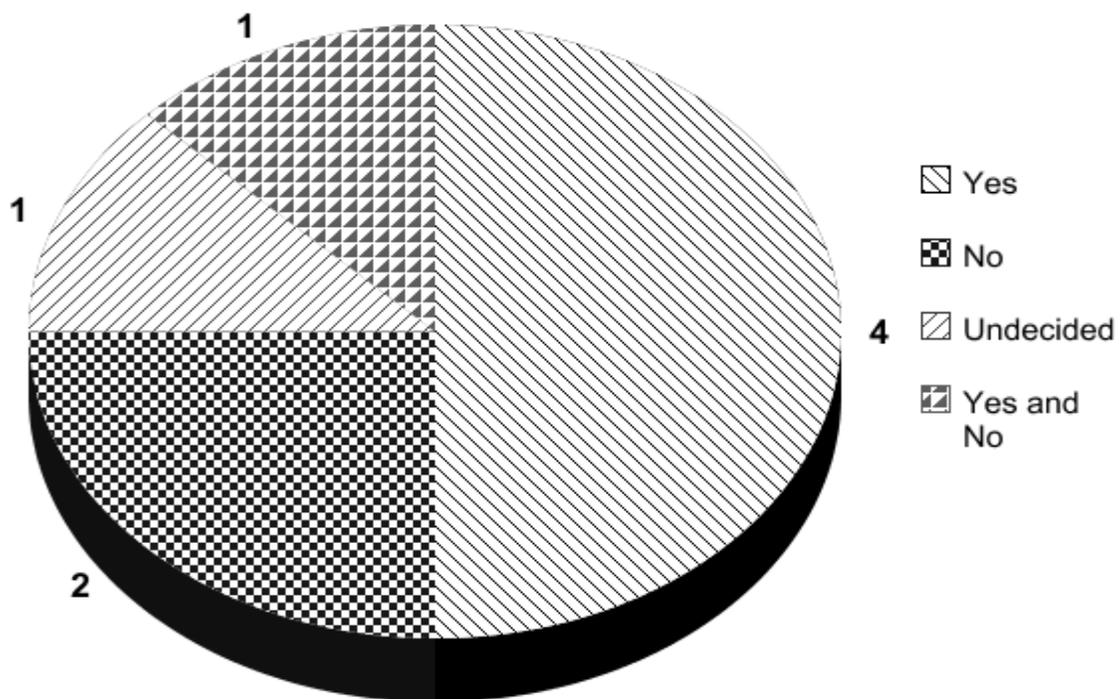


Figure 2
Selected Sample of Coding

Selected Sample of Coding

1 st Level	2 nd Level	3 rd Level	Category
<ul style="list-style-type: none"> • Work related roles and responsibilities 	Current roles and responsibilities		
<ul style="list-style-type: none"> • Increased YW roles and responsibilities 	Changing roles and responsibilities		
<ul style="list-style-type: none"> • Perceived roles and responsibilities • YW attitudes towards public reports 	Perceived roles and responsibilities	Roles and responsibilities	
<ul style="list-style-type: none"> • Worker impact on youth • Role model for Youth 	Role impact and influence		
<ul style="list-style-type: none"> • YW hopes 	Stakeholder needs/hopes		Stakeholder roles and responsibilities
<ul style="list-style-type: none"> • YW frustrations/let downs • Professional YCJA challenges 		Professional challenges/needs	
<ul style="list-style-type: none"> • Facilitating community involvement • YW lack of time for programming • Lack of funding • Overwhelming responsibilities 	Stakeholder frustrations/challenges		
<ul style="list-style-type: none"> • Need for YW training 	Program/service Need		