

**INCARCERATED NATIVE YOUTH IN BRITISH COLUMBIA:  
SENIOR MANAGEMENT AND OFFENDER PERCEPTIONS  
OF THE IMPACT OF CUSTODY**

by

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Incarcerated Native Youth in British Columbia: Senior

Management and Offender Perceptions of the Impact of Custody

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## **ABSTRACT**

Indigenous youth throughout British Columbia pose unique challenges for youth corrections in that marginalization of Native peoples has resulted in economic dependence, cultural disintegration and disproportionate incarceration rates. Native youth are often raised in situations of poverty, alcohol, drug, physical and sexual abuse which often manifests itself into suicidal and criminal behaviour. Despite this, *The Young Offenders Act* fails to properly address these characteristics due to its reliance upon conflicting theoretical models of youth justice which arguably provide little guidance for processing young offenders.

Confronted with confusing legislation and a culturally distinct population, it is maintained that policy development in youth corrections regarding Native youth should take into consideration empirical research concerning several key issues.

To determine the impact of custody, four hypotheses were explored. The first examined senior correctional management and Native youth perceptions on the existence of behaviours within custodial institutions that they would consider as being racist. The second determined the extent to which certain social attributes contribute to Native youth criminality. The accuracy of correctional file data constituted the third hypothesis while the ability of Native youth to adjust to incarceration established the final hypothesis.

The four hypotheses were tested using simple descriptive statistics which illustrated that racist attitudes appeared to not be as prevalent throughout youth custodial centres as discussed in the literature. In addition, Native youth seemed to adjust well to containment environments and correctional file data, for the most part, accurately reflected the social and personal histories of Native offenders. Finally, correctional senior management, overall, felt that the social determinants of substance abuse, victimization and dysfunctional families were not more extensive in contributing to Native as compared to non-Native youth criminality.

From this research several key policy initiatives were discovered. The most important was that correctional senior management, not Native youth, felt that racist attitudes existed among particular levels of staff. In addition, present drug and alcohol programs should be expanded. Since most Native youth currently in custody come from dysfunctional families, post-release care and life skills training must also be initiated. Finally, additional training for correctional staff on culturally diverse and mentally challenged youth is essential if services for incarcerated youth are to be beneficial, and community efforts must be introduced if Native youth are to overcome their criminal and personal problems.

## **DEDICATION**

**This thesis is dedicated to all Native youth who have found themselves in trouble with the law. Hopefully through care and understanding they will find peace within themselves and fulfill their lifelong dreams.**

**Also, to my parents, and best friends, Gary and Donna MacDonald**

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# **CHAPTER I**

## **INTRODUCTION**

**Indigenous peoples throughout Canada pose a unique challenge for both the formal criminal justice system and social service agencies. The marginalization of Native peoples is reflected in their varied states of economic dependence and cultural disintegration. Perhaps those most adversely affected are Native youth. They are not only caught between two conflicting cultures, but must also deal with the intractable social and economic problems characterizing many Native communities. Unemployment, underemployment, high mortality rates, alcohol abuse, substance abuse, physical abuse, sexual abuse and a soaring rate of youth suicide constitute a not uncommon community profile.(1) While these problems exist among non-Native youth, it has been asserted that they are far more frequently evident among Native youth.**

**Equally important is the disproportionate number of Native youth in the criminal justice system. Within the province of British Columbia, for example, Native youth comprise approximately 20% to 30% of the total population within youth custodial centres even though they account for less than 4% of the provincial population. Why are so**

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**1. Native peoples are not a homogeneous group. They have differing political agendas, livelihoods, beliefs and customs. Further, it is important to realize that within custodial centres, Native youth are also not homogeneous. Many are from remote reserve settlements while others grew up in urban centres.**

many Aboriginal youth being committed to custodial facilities? (2)  
One way of attempting to answer this is to examine the demographics of presently incarcerated Native youth.

Providing descriptive demographical information to those who oversee the operation of custodial facilities will equip them with valuable knowledge concerning Native residents. In addition, those senior policy makers who define provincial wide standards and practices can develop programs which better reflect the needs of the often diverse cultural mosaic within youth centres. These information needs require the exploration of youth social life, alcohol and drug use, mental and physical problems, personality and criminality patterns.

Several hypotheses involving the key issues of racism and related custodial programs towards Native youth will be explored within this research. According to several researchers, especially from the United States, racism still exists towards minorities within youth corrections (Bartollas, Miller and Dinitz, 1975; Bartollas and Sieverdos, 1983; Hamilton and Sinclair, 1991). This issue, however, has not been explored in British Columbia therefore; the first hypothesis examined is the anticipated

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2. The percentage of Native youth incarcerated on any one given day fluctuates throughout the year. Just as the total amount of youths incarcerated in open and closed facilities fluctuates. This also means that at certain times, an institution can have a high percentage of one racial group and then have a very low percentage of the same racial group a month later. This not only affects the 'mood' and operation of the institution, it also affect the programming and programs offered.

presence of racism. No definitive definition of racism is used during the research process as the measurement of racist behaviour and /or attitudes is dependent solely upon the perceptions of those being interviewed. The second hypothesis examines whether according to correctional upper-management certain social attributes are more extensive in contributing to Native youth crime than non-Native. The third hypothesis examines how accurately correctional file data reflects the social and criminal circumstances of Native youth while the final hypothesis examines how well Native youth adjust to their correctional setting.

A major policy impetus behind this research is the assertion that the *Young Offenders Act* (YOA) contributes, not only to increasing custodial counts, but also to the disproportionate amount of incarcerated Native youth (Markwart, 1992c). With the legislation being offence oriented, it is asserted that too many youth receive custodial dispositions which reflect a narrow punishment principle rather than help troubled youth with their problems (Corrado, Bala, Linden and Le Blanc, 1992). Given the common view that Native youth are socially, economically and politically disadvantaged relative to non-Native youth, the impact of youth justice on the former group can be potentially positive. Most importantly, it may be that some Native youth can receive critical services only through their contact with the youth justice system. The specific hypothesis explored in relation to this is that some Native youth within



custody come from family situations plagued by violence, abusive behaviour and substance abuse problems which may be an underlying contributor to their criminal behaviour.

## **LITERATURE OVERVIEW**

Though no definitive conclusions can be derived, there is evidence that Native youth do encounter specific hardships when coming into contact with the youth justice system. From a general or holistic socio-economic context, reserve based communities are often subject to depressed levels of economic activity with few employment opportunities (LaPrairie, 1988). Furthermore, these communities are often geographically isolated such as those found in the northern half of the province. While such isolation can lead to increased community cohesion and co-operation, it often results in the opposite as many Native communities have lost their traditional values and lifestyles. Historical policies such as the forced religious-based residential schooling program, the homogenizing impact of mass communication advances and long-standing social problems such as alcohol /substance abuse have disadvantaged many Native peoples to a point where they simply try to survive despite their dismal community situation (see LaPrairie, 1988; Christie and Doyle, 1989; Griffiths, 1992).

On a related individual level, many Native youth, reserve and non-reserve based, deal with specific problems including alcoholic and socially deficient parents, few employment opportunities and a Native

culture which is torn between its once cohesive traditions and its current mixture of influences from the media dominant non-Native culture (see Henley, 1987; LaPrairie, 1988; Condon, 1988; Minore, 1989). It is this cultural turmoil and despairing communal context that have been put forth in explaining Native youth resorting to such activities as glue, gasoline, propane and solvent sniffing, alcohol consumption, drug abuse and even sexual and /or physical coercion. It also maintains that Native adolescents often commit property offences as a primary means of acquiring those goods which they cannot legitimately afford (Minore, 1989).(3)

The most destructive result of the disintegration of the Native community can be seen in patterns of suicide. Within British Columbia, for example, male Native youth have a suicide rate which is approximately four times higher than non-Native males (Cooper, Karlberg and Adams, 1991). This implies that the above problems Native youth face are too intolerable and that a norm has emerged that identifies suicide as the option for adolescent problems. In terms of correctional policies, this suicide pattern poses a potential problem for youth corrections since it could be that such a restrictive and closed context might precipitate suicide. Such transgressions also challenge the correctional mandate of providing youth with a safe custodial environment.

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3. This is also true for non-Native young offenders as over 60% of all youth crime is property related (see Corrado et al., 1992).

The criminalization of Native youth has several negative effects. The recently conducted Manitoba Justice Inquiry found that Native youth are disadvantaged when they enter the youth justice system (Hamilton and Sinclair, 1991). It stated that Manitoba's Aboriginal youth have more charges laid against them; are less likely to benefit from legal representation; are detained more often before trial; and, experience more delays during their cases even though they receive more custody dispositions than non-Native youth (Hamilton and Sinclair, 1991). No similar study is available for British Columbia; therefore, it cannot be assumed that the above pattern applies. Nonetheless, there is no obvious reason to assume that Native youth fare better in this province and, therefore, that the discrimination issue should not be researched.

The assumption of similar treatment of Native youth across provinces rests partly on the importance of the YOA. The *Young Offenders Act* (1982) revolutionized Canadian youth justice in that it replaced the paternalistic or Welfare Model based philosophy of the former *Juvenile Delinquents Act* (1908). The YOA has been identified as a Modified Justice Model because, while it focuses on procedural rights of the youth and accountability, it does not exclude their 'special rights' or welfare altogether (Corrado et al., 1992). The YOA emphasizes the seriousness of the youth's offence rather than the situation in which the offence was committed.

Since its inception the YOA has been subject to increasing scrutiny and criticisms. One of the main concerns is that the legislation is derived from conflicting theoretical models of youth justice (Corrado et al., 1992). Critics claim that the Act incorporates principles from the Justice, Crime Control and Welfare models of juvenile justice respectively, without providing youth justice officials the appropriate criteria for deciding between options based on mutually exclusive principles. This ambiguity, for example, is blamed directly for the unanticipated increase in custodial dispositions since the inception of the YOA (Corrado and Markwart, 1988). Other criticisms involve too rigid a focus on procedure which has caused costly case back-logs in youth courts, and the absence of innovative and flexible processing and sentencing of young offenders (Hackler, 1991).

Several fundamental criticisms concerning the YOA have also come from within the Native community. Many Aboriginals feel that the YOA is inadequate for processing Native youth because the formal court process ignores their cultural traditions in dealing with adolescent problems (Skoglund and Igloliorte, 1990). Second, the Act excludes the community and family as essential healers for troubled youth, resorting instead to the use of custody (Mourot, 1991). The third and related criticism is that the legislation should include direct guidelines for establishing alternative measures programs which would enable Native communities to deal with their problem youth. Fourth, the YOA is seen as another 'colonial' exercise

by the dominant White culture whose adversarial principles of solving problems are contrary to Native ways (Minore, 1989). Ovide Mercredi, the leading national Native leader, eloquently summarizes this critical perspective on laws like the YOA.

One of the problems that I see is the perception that the criminal justice system is near-perfect but can maybe be made a little more perfect by making some changes to it over a period of time to allow for the concerns and the rights of Aboriginal People. The real issue is what some people have called cultural imperialism, where one group of people who are distinct make a decision for all other people ... If you look at it in the context of law, police, court and corrections, and you ask yourself: "Can we improve upon the system?" well, my response is, quite frankly, you can't. Our experiences are such that, if you make it more representative, it's still your law that would apply, it would still be your police force that would enforce the laws, it would still be your courts that would interpret them, and it would still be your corrections system that houses the people that go through the court system. It would not be our language that is used in the system. It would not be our laws. It would not be our traditions, our customs or our values that decide what happens in the system. That is what I mean by cultural imperialism. So a more representative system, where we have more Indian judges, more Indian lawyers, more Indian clerks of the court, more Indian correctional officers or more Indian managers of the correctional system is not the solution. So what we have to do, in my view, is take off that imperial hat, if that's possible, and find alternatives to the existing system ... (Mercredi, 1991).

Mercredi's pessimism about the YOA type youth justice system essentially asserts that Native youth can not be effectively dealt with or 'healed' because of their cultural distinctiveness. The four hypotheses to be examined in this thesis represent a beginning attempt to address Mercredi's assertion that Native youth logically should perceive discrimination through what should be the most culturally negative experience in the youth justice system -- removal from their communities and placement in a totally controlled and culturally absent custodial institution administered by non-

**Native authorities. And, in turn, those officials would self-servingly perceive the impact on Native youth as positive and non-discriminatory.**

## **METHODOLOGY OVERVIEW**

**Both a Native youth sample and correctional upper-management sample within the nine 'open' and 'closed' containment centres throughout British Columbia constitute the data base for assessing the above mentioned hypotheses. Structured interviews were utilized with both open-ended and closed-ended questions. In addition, a comprehensive examination of each youth's case file was conducted to provide information to assess the correspondence between the perceptions of those interviewed with the 'official' record of certain behaviours and personal histories.**

**The Native youth sample was drawn from all youth who were in the province's 'open' and 'secure' facilities between January 11, 1993 and April 2, 1993. The correctional institutions were Victoria Youth Detention Centre, Willingdon Youth Detention Centre (Burnaby), Boulder Bay Youth Camp (Maple Ridge), Prince George Youth Detention Centre, Lakeview Youth Camp (Campbell River), Holly Cottage Youth Detention Centre (Burnaby), Burnaby Youth Detention Centre, Center Creek Youth Camp (Chilliwack) and Hy Valley Youth Camp (Logan Lake). During this period, fifty (50) Native youth were in custody. From this population three youth voluntarily withdrew, one was absent without leave (AWOL) the day of**

interviewing, and one was called away to court. The final sample consisted of forty-five (45) Native youth.

Prior to each interview, the youth's case file was examined and the following data were recorded: arrest warrants; pre-disposition reports; past criminal history; juvenile services to the courts reports; probation reports; incident reports; damage reports; early release requests; and, daily progress logs.(4)

The second group sampled consisted of individuals in the following correctional senior management positions: the district director, institutional director, program director, case management co-ordinator, probation officer, senior correctional officer, and one randomly chosen principle officer. With institutions varying in size and bed load, the hierarchy of upper-management differed accordingly; for example, some centres did not specifically have program directors while others did.

## **OVERVIEW OF CHAPTERS**

The remaining chapters are organized in the following manner. Chapter Two provides a review of the literature on the issues related to the association between Native youth and criminal justice such as patterns of Native youth criminality, suicide trends and a review of the YOA's goals and

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4. Though it is required by law to have the pre-disposition reports included in each youth's file, this was not always the case. In addition, some files had all the reports listed while others had either only a few, or none. Each institution also had its own particular criteria for storing and updating files which adhered generally to Corrections standards, yet resulted in considerable variation in the condition of files.

philosophies. Chapter Three describes the methodology utilized in this research. The data analyses of the four major hypotheses in this thesis are presented in Chapter Four. Chapter Five involves an examination of several policy issues which emerged from the data analyses. It is intended that the analyses will offer suggestions for future policies /programs in youth corrections. Chapter Six concludes the research with an outline of potential social responses to Native youth criminality.



## **CHAPTER II**

### **LITERATURE REVIEW**

When the *Young Offenders Act* came into force on April 2, 1984 the Welfare Model principles that were the basis of the *Juvenile Delinquents Act* (1908) were removed and replaced by Modified Justice Model principles including concepts of increased responsibility, the need to protect society and the implementation of fair procedure or due process (see Figure 1). This philosophical shift initially appeared to receive widespread support and, therefore, little criticism from the political community. However, since its implementation the YOA has been subject to criticism on several issues that are relevant to Native youth. Most importantly, incarceration rates have increased substantially and minority group representation within the youth justice system has increased concomitantly. Within British Columbia, the incarceration rate for Native youth to 'open' and 'secure' custody is disproportionate compared to the non-Native youth committals. While Native peoples constitute approximately four percent of the province's population, of the 250 to 300 detained youth, Native young offenders usually comprise between 20% to 25% of the entire correctional population and occasionally have reached as high as 30% to 40%. Typically, therefore, 50 to 60 youth in custodial institutions are of Aboriginal descent (Markwart, 1992b). This disproportionality has raised concern among senior corrections officials within the Ministry of the

Attorney General. From a policy perspective, it simply is not evident why so many Native youth are in custodial institutions. There are several possible explanations which will be examined in this chapter. The most obvious initial theme is that there are higher levels of criminality among Native youth.

Figure 1: CONTINUUM OF JUVENILE JUSTICE MODELS

Welfare	Modified Justice	Justice	Crime Control
←-----→			
<b>Characteristics</b>			
informality generic referrals individualized sentencing indeterminate sentencing	due process / informal criminal offences Bifurcation  determinate sentences	due process crim. offences least restrictive alternative determinate sentences	due process crim. offences punishment  determinate sentences
<b>Task</b>			
diagnosis	diagnosis/ punish	punishment	punish/ prison
<b>Objectives</b>			
individual needs rehabilitation	'special needs' individual rights	individual rights punish	order maintenance

Source: Corrado, 1992:4

### PATTERNS OF NATIVE CRIMINALITY

Several propositions regarding Native criminality can be identified. The most common assertion is that Native criminality is the

result of social and economic problems arising from a long history of colonial destruction of Native culture and society. Alcoholism, substance abuse, poverty, underemployment and unemployment are all linked to the demise of traditional communal environments (Shkilnyk, 1985; Silman, 1988; Minore, 1989). These problems, in turn, are related to low self-esteem, feelings of hopelessness and boredom which often plague numerous Native communities (St. Cyr 1987; LaPrairie, 1988). Perhaps most importantly for this thesis, it is maintained that Native criminality is a product of the criminal justice system itself. Specifically, it is argued that Native people are subject to racism and prejudice within the adult and youth justice systems (LaPrairie, 1988; Gitksan-Wet' suwet' en, 1989; Hamilton and Sinclair, 1991; Schissel, 1993).

While there remains considerable controversy concerning the ultimate causes of Native criminality, both youth and adult, there is evidence that several of the above mentioned attributes and patterns are more prevalent among Native individuals and likely contribute significantly to their criminality. Excessive consumption of alcohol has been linked to several forms of violence including suicide, assault, sexual assault and a disproportionate number of property offences (see Shkilnyk, 1985; Draper 1987; Hamilton and Sinclair, 1991; Schissel, 1993). With regards to Native youth, certain characteristics appear to be associated with criminality. Most important are histories of parental neglect, routine exposure to sexual,

physical, substance and alcohol abuse, cultural disintegration, and, undereducation (Draper, 1987; Minore, 1989). Yet, despite the above characteristics and patterns of deviance, there is a diversity of Native societies and communities that appear to have a variable impact on Native youth and their criminal behaviour.

### ***COMMUNITY ATTRIBUTES OF NATIVE CRIMINALITY***

One prominent pattern of attributes is the state of underdevelopment, unemployment and capital deficiency characteristic of many Native communities (LaPrairie, 1988). Though such 'ghetto like situations' are somewhat unusual in Canada despite proportionate levels of poor people compared to the United States, extremely poor Native communities do nevertheless exist (see LaPrairie, 1988). Life within these economically depressed locations typically involves low wages and inconsistent employment opportunities which makes obtaining even basic living requirements extremely difficult. The resultant demoralizing and abhorrent living conditions causes opportunistic property crimes such as break and enter, shoplifting and robbery (LaPrairie, 1988; Minore, 1989). In effect, the proposition forwarded is that economic and material relative deprivation among Native people, and youth, motivates them to commit property crimes to meet basic living needs.

A second characteristic related to material deprivation is the subsequent feelings of isolation. Native peoples are being increasingly

exposed to 'White Southern' values and luxuries. When exposed to how non-Natives live in southern urban Canada, many Native individuals want the luxuries that privileged people routinely acquire (LaPrairie, 1988). Given the level of communal poverty, few Native people can realistically obtain such a lifestyle. Hopelessness, frustration and even internal hatred for being Native lead to criminal acts which result in further deprivations through the criminal justice system's often harsh responses (Minore, 1988).

A third community characteristic is the loss of traditional culture and the tension created by the influx of White culture (LaPrairie, 1988). For various scholars, this loss can be traced to destructive government policies; most significantly they argue that the root of present Native problems was the residential schooling programs (see LaPrairie, 1988; Christie and Doyle, 1989). These programs took Native children from their communities at a very young age and sent them to religious, usually Catholic, boarding schools. This practice started in the late 1800's and continued until the 1970's. Within these schools, Native children were not allowed to speak their languages, visit their home communities often, or practice traditional customs. Critics claim that when these children were later 'released' back into their original communities, they had lost their language, traditional community contacts and most importantly, their 'Nativity'. One resulting tragedy is that residential school casualties are now the parents who are raising children and grandchildren without the

benefit of a traditional Native childhood. The ability to provide a stable child-rearing context is problematic since they are caught between a Native culture they want to pass on, yet find it difficult without resolving personal traumas inflicted by their residential schooling experiences (Christie and Doyle, 1989). Poor traditional parenting or role modeling results in youth experiencing frustration, confusion, disorientation and Native cultural marginalization. In turn, such youth often engage in criminal behaviour.

Another element contributing to criminality is the political context (Griffiths, 1992). Native communities are frequently characterized by divisions based on inter-extended family rivalries (Smith, 1993). The idealistic perception that Native communities are more holistically united than their non-Native counterparts is not uncommonly incorrect; certain leaders constantly remain in power, or strongly influence those in power to the detriment of the community's socio-economic needs (see Shkilnyk, 1985; Silman, 1988;). In this corrupt context, what is detected, defined and labeled as criminal depends upon who is in political control of the community. Furthermore, crimes are committed to rectify or avenge unfair and often illegal advantages taken by political leaders, their families and supporters (Silman, 1988). Again, the message to youth is that crime is not abnormal in pursuing your self-interests -- everyone can be seen as doing it.

## **TRENDS IN NATIVE YOUTH CRIMINALITY**

Many Aboriginal youth realize that they have a marginal future within their home communities. Traditional employment such as hunting, fishing and guiding are skills which often provide little in monetary terms. However, there are typically equally few non-traditional employment opportunities. Compared to their non-Native counterparts, many Native youth are more likely to be undereducated, possess no special skills training and see no interesting job developments within their home communities. As discussed in the previous section, such a community context can be seen to facilitate crime as a way of acquiring goods which could otherwise not be afforded (LaPrairie, 1988; DIAND, 1992; Schissel, 1993; Smith, 1993).

Equally important, many Native adolescents live in communities which are extremely boring to them. Most do not have recreational facilities, interesting youth programs or places for young people to get together (Condon, 1988). Further, many youth live in geographically isolated communities and have few positive role models in terms of either peers, adults, cultural heroes, or Native media figures. With little Native-based education to teach how to occupy their time in traditional ways, too many Native youth become alienated (Henley, 1987). Henley (1987) contends that these youth experience feelings of boredom, depression, lack of identity and lack of control over the course of their lives. Not surprisingly, young persons facing such problems frequently turn to criminal

acts as a way of releasing anger and other powerful negative emotions. Thus, most crimes Native youth commit are property offences for which there is no major monetary or material gain (Minore, 1989). In effect, their crimes may be better understood as emotional reactions rather than simply obtaining material goods.

Many Native youth are now being raised by the same children who were victims of the residential schooling program. Carol LaPrairie (1988) speculates that the residential schooling program created parents with inadequate and dysfunctional parenting skills which has resulted in the apparent increase in Native youth criminality. In effect, the absence of positive parental role models to learn or copy from while the current generation of parents were young, has left them with no previous first-hand experience on how to raise their own children (see Haig-Brown, 1988). To complicate and worsen matters are the implications from recent revelations concerning widespread sexual and physical abuse of Native students in the residential schools. It appears, both in terms of anecdotal evidence and psychotherapy research, that if such abuses are not properly dealt with, they undoubtedly affect the long-term mental health of the victims. Most importantly, depression, anger, alcohol and drug abuse, neglect, sexual assault, spousal assault witnessed and /or experienced during childhood rather obviously affect an adolescent's emotional state. As stated



several times above, the resulting aberration and anger are very likely linked to anti-social, self-destructive and criminal youth behaviours (Smith, 1993).

A final characteristic of Native youth criminality involves the tension created from the clash between traditional Native culture and ever encroaching urban White culture (Minore, 1989; Schissel, 1993). This is evident in several Ontario Native communities, for example, which are experiencing youth crime modeled upon youth gangs found in cities in urban Canada and the United States. Since few Native youth live in urban areas, it is likely that they learn about such 'foreign' criminal acts through television and radio (Minore, 1989). Beyond learning new criminal behaviours, Native youth are constantly exposed to non-Native culture. The novel, energetic, and exciting idea of life portrayed in the media about city life is a stark contrast to life in the boring and isolated northern communities inhabited by most Native youth. If these youth stay in their communities they inevitably face the existing profile of social problems. The obvious option is to leave for the urban centres and face the unknown. For those Native youth who decide to stay in their rural communities, they are still faced with the attractiveness of modern urban values and life-styles. Subsequently, they adopt a profile best described as "White" on the 'outside' and "Native" on the 'inside'. (LaPrairie, 1988; Minore, 1989). The outcome of this is usually internal conflict and eventual progression toward crime and self-destructive behaviours including alcohol and drug dependency and other forms of

self-destructive behaviour, most importantly, suicide. Without a doubt, suicide is a tragedy among Native youth and can be seen as their ultimate aberration.

### ***ABORIGINAL YOUTH SUICIDE IN BRITISH COLUMBIA***

One of the more disturbing findings from a recent study on suicide in British Columbia is the disproportionate number of Native youth who have killed themselves. Though suicide rates vary among Native Nations and Bands, the overall rate is staggering. When compared to the non-Native population, Native youth on reserves commit about twice the number of suicides per one-hundred thousand population ratio. When Native youth live off the reserve, however, they commit suicides at a rate which is equivalent to the non-Native population. Reserve based Native youth commit about 26 suicides per 100,000 population, while non-Natives commit about 16 suicides per 100,000 population (Cooper et al., 1991).

When comparing Native male and female suicide rates on reserves, it becomes apparent that Native males commit about four times the number of suicides that females do. Native males commit about 39 suicides per 100,000 population as compared to 10 per 100,000 population for females (Cooper et al., 1991). The age group most at risk consists of males between the ages of 15 and 24. The suicide rate for Native males on reserves for this age group is about 90 per 100,000 population as compared to about 23 per 100,000 population for non-Native males (Cooper

et al., 1991). For the purposes of this thesis, most Native males currently found within correctional institutions in British Columbia belong to the highest risk category concerning Aboriginal suicide. Most critically, compared to their non-Native counterparts, these Native males are about three and one-half times more likely to commit suicide outside of custody.

In trying to explain this finding, Cooper et al. (1991) found that Aboriginal suicide is strongly associated with alcohol consumption and certain life style characteristics. These relationships were consistent with other research which found that alcohol plays a major role in Aboriginal deaths. Cooper et al. (1991) discovered that according to coroner's reports in British Columbia, alcohol was found in about 70% to 75% of all Native deaths. In addition, about 80% of all Aboriginal deaths stemmed from adverse life styles involving several or all alcohol, verbal, substance or physical abuse patterns. These are critical since they add to the growing evidence that Native youth too often are raised in social situations which are dysfunctional and can be linked to their high suicide rates.

The above pattern of youth criminality and self-destructiveness raises several policy issues about the treatment of Native youth in correctional institutions. While this policy theme will be discussed in more detail later, it needs to be raised here to put into context the extreme negative potential effect that corrections can have on vulnerable Native youth. The potential negativity goes beyond corrections to the entire youth justice

system; what occurs to Native youth in corrections, to a considerable degree, is likely to be determined by the larger justice system.

### ***THE MANITOBA JUSTICE INQUIRY: TREATMENT OF NATIVE YOUTH***

Citing the numerous accounts of previous hardships encountered by Native persons, it has been maintained that the justice system has changed little in its biased treatment of Native persons. The Aboriginal Justice Inquiry of Manitoba (1991) provides a detailed description of treatment Native persons have received within that province's youth and adult justice systems. Though no similar inquiry exists for British Columbia, it is likely that some, if not all, of the major patterns presented similarly occur in the latter province (Griffiths, 1992).

Concerning young offenders, the major finding of the Manitoba inquiry was that Natives account for approximately 70% of all incarcerated youth in 'secure' institutions. This is disproportionate as Native people comprise (unofficially) about 14% of the entire provincial population (Hamilton and Sinclair, 1991). Realizing this, two questions immediately present themselves. Do Native youth account for more crime than non-Natives? And, is this percentage due to prejudice and racism within the youth justice system itself? In addressing these questions Hamilton and Sinclair (1991) provide four conclusions derived from their research findings. In comparison to non-Native youth: Native youth tend to have more charges laid against them; are less likely to benefit from legal

representation as they often live in isolated northern communities and the closest defence lawyer may be 100 to 200 miles away; are more often detained before trial, detained longer and denied bail; and, experience more delays before their cases are processed though they are more likely to receive custodial sentences (Hamilton and Sinclair, 1991).

Though Manitoba has a much larger Native population than British Columbia, a similar pattern of youth incarceration exists. In both provinces custodial facilities house a disproportionate number of Native offenders: 70% for Manitoba and approximately 25% for British Columbia. Therefore, the prejudicial treatment Native youth receive in Manitoba may be similar to that which may be occurring in British Columbia. However, there is no consensus that the youth justice system is plagued with overt prejudicial attitudes (Markwart, 1992b). Markwart (1992b) agrees that in the past Native peoples, and youth, have been discriminated against by a culturally insensitive justice system; however, today's youth justice system is characterized by more educated and culturally aware individuals who want to work with Native youth. This has occurred because of recruitment policies emphasizing dedicated and caring individuals. Nonetheless, it is unlikely prejudicial attitudes and treatment have been completely eliminated, but rather, their occurrences have been greatly reduced. Despite this salutary view, others still assert that the youth justice system fundamentally discriminates against Native youth who come into contact with the legal

system (Hamilton and Sinclair, 1991; Griffiths, 1992). These two opposing views are examined in the first hypothesis involving the presence of racist attitudes within youth custodial centres.

An examination of the YOA is also necessary to understand the potential discriminatory impact of the youth justice system on Native youth.

## **THE YOUNG OFFENDERS ACT**

In 1982 the Canadian Parliament passed the YOA which came into force on April 2, 1984. The legislation was hailed as a major and necessary reform in Canadian juvenile policy as it repealed the outdated Welfare Model philosophies of the former *Juvenile Delinquency Act* (1908). One of the architects of the YOA, Judge Omar Archambault, stated that the major impetus behind the change was that the Welfare Model philosophy of the *Juvenile Delinquents Act* (JDA) was in need of reform since both society and youth crime had changed (Leschied, Jaffe and Willis, 1991).

Crafted and implemented in a manner best described as the Modified Justice Model (Corrado, 1992), the YOA proclaimed new philosophies and policies which youth justice personnel were bound to follow (Leschied et al., 1991). Arguably the largest philosophical alteration in youth justice policy was the YOA's requirement that young persons retain a degree of personal responsibility for their crimes and that protection of society was paramount. This is in sharp contrast to the philosophy of the JDA which maintained that the state must intervene as a 'kindly parent' in

the lives of 'wayward' or delinquent juveniles and their families in order to act in "the best interests" of the youth. Theoretically then, delinquency was viewed as resulting from improper socialization or upbringing. In contrast, the YOA philosophy assumes youth are mature enough to know the difference between 'right' and 'wrong' and must carry the burden of responsibility and accountability for any criminal behaviour incurred (Reid-MacNevin, 1991). While it took nearly 20 years to shift from the JDA to the YOA, Native leaders groups and organizations felt excluded from the various provincial and federal attempts to reform the JDA based juvenile justice system.

#### ***THE PROCESS OF LEGISLATIVE REFORM***

During the reform period of 20 years, diverse ideas and philosophies for the direction for youth justice shaped the various legislation and bills leading up to the creation of the YOA. Originally spurred by the concern over the perceived high rates of adult crime in the early 1960's, Canadian legislators appeared to be sharing an interest with other Western democratic countries in seeking reform of their respective laws dealing with young persons. Countries such as the United States and Great Britain began to move away from the Welfare Model philosophy towards a more legally oriented view which placed a greater degree of personal responsibility upon youth (Corrado, 1992). Paralleling these fundamental changes, senior bureaucrats both federally and provincially began to seriously question the

effectiveness and appropriateness of the JDA. It was the scrutiny of such questions on which philosophical model of justice was best suited for Canada and a general attack on the effectiveness of rehabilitation within correctional institutions that seem to have provided the impetus for several bills to reform the JDA (Cousineau & Moreland, 1991; Corrado and Markwart, 1992).

The first of such initiatives was reflected in the Department of Justice's paper entitled Juvenile Delinquency in Canada (Corrado and Markwart, 1992). This working paper had a definite Justice Model legal orientation and focused on the arbitrary nature of decision-making under the JDA. Obviously a marked philosophical shift from the Welfare Model's JDA, the report led to the drafting of the *Children and Young Persons Act* in 1967. Strong provincial resistance to this bill occurred though because it was seen as a federal intrusion into provincial jurisdiction and agreement could not be reached with the federal government on the breakdown of federal /provincial cost-sharing (Corrado and Markwart, 1992).

In response to this failure, the Liberal federal government of Pierre Trudeau introduced Bill C-192, the *Young Offenders Act*, in 1970. Like its predecessor, this bill failed (Corrado and Markwart, 1992). Originally designed to placate both provincial government concerns surrounding cost-sharing and the need for the guarantee of youth legal rights while still instilling a welfare /treatment atmosphere, this legislative



proposal was thought to have been met with approval. In response, the federal Solicitor General of Canada established a nine person committee to further examine issues surrounding young offender legislation. From this committee a draft legislation entitled *Young Persons in Conflict with the Law* (1975) was created (Corrado and Markwart, 1992). Once again, as with its predecessors, this legislative draft was legally oriented and called for a shift in the philosophical ideology for dealing with wayward youth. Deciding this was the appropriate legislative model, the federal government introduced their slightly modified version of the draft legislation in 1977 but a federal election ensued. The Liberal federal government lost and the newly elected Conservative Party minority government of Joe Clark introduced their version of appropriate youth legislation in 1979. As fate would have it, the Conservatives were soon defeated, resulting in no implementation of youth justice legislation. Finally, in 1981, the once again elected Liberal federal government introduced Bill C-61 (almost identical to the previous Conservative government's draft legislation), the *Young Offenders Act*, which was passed without parliamentary opposition into legislation in 1982 (Coflin, 1988; Corrado and Markwart, 1992).

As previously stated, the process of reforming Canada's youth justice legislation centered largely on philosophical debates concerning which model of youth justice best addressed current youth crime. Witnessing a continental shift away from Welfare Model principles to more

Justice Model and Crime Control Model principles, Canadian legislators chose legislation which combined principles from all three models. This 'meshing of attributes' will be discussed in more detail below. However, it is important to state that legislators decided which models of youth justice they thought best addressed youth crime but failed to consider if those same models were also ones which could effectively address Native youth criminality. This obviously has serious consequences in terms of this thesis and will be discussed further.

## **JUVENILE JUSTICE MODELS**

One useful method for understanding the YOA is to examine the legislation in terms of types of youth justice models. According to Corrado (1992) this process will, first, simplify "... complex legislation and diverse juvenile justice agencies to essential sets of characteristics ...", second, "... facilitate comparison ..." and finally, "they [models] are used extensively in the empirical and theoretical literature on juvenile justice ..." (Corrado, 1992:4). This procedure is essential for understanding current police, Crown Counsel, judicial and correctional policies /programs and the reasons they often reflect principles from conflicting models of youth justice (see Figure 1). A brief discussion of these models is in order for it will be maintained that the YOA is dominated by Justice and Crime Control Model principles to the detriment of Welfare Model principles. Given the above analysis of the extensive social and economic problems facing many Native

youth, it would be expected that a Welfare Model based system would be the one most directed towards addressing these problems. And, in turn, it would be the former two models that would result in more discriminatory treatment towards Native youth because of their focus on due process and protection of the public rather than welfare issues.

### ***WELFARE MODEL***

The Welfare Model is largely based on helping to re-direct or re-socialize multi-problem youth as those adolescents who come into contact with the law are seen as in need of assistance. In addition, a major tenet of this model is that criminal acts are often committed because circumstances are beyond the youth's control (Reid-MacNevin, 1991). In effect, youth crime is a primary outcome of environmental problems rather than willful choice. Thus, the Welfare Model relies heavily upon propositions from the Positivist school of criminological theory. An example of Welfare Model legislation is the JDA for it treated wayward youth as 'misguided, misdirected or in need of guidance' (Reid-MacNevin, 1991).

In order to assist troubled youth, the JDA relied upon 'therapeutic-community minded approaches' and the vast discretion of childcare experts who attempted to help youth through environmental pathology overcome problems with the family, school, peers and /or community (Reid-MacNevin, 1991). Numerous youth courtworkers, psychologists, psychiatrists and other related experts flooded the juvenile

justice arena providing services of rehabilitating adolescents, thereby reducing recidivism. In the event that such initial 'therapeutic' options failed, the act ultimately allowed for the use of indeterminate custodial sentencing. Until the late 1960's, court proceedings under the JDA occurred informally and youth rarely had the benefit of legal representation for it was their anti-social behaviour which was paramount, not their procedural rights (Reid-MacNevin, 1991). It was this absence of legal safeguards that promoted the shift away from the Welfare Model.

### *JUSTICE MODEL*

The Justice Model philosophy is derived from the key proposition of the Neo-classical school of criminological theory – criminal actions are a result of free-will. Yet this theory further identifies in diminished responsibility due to the offenders age and maturity (Reid-MacNevin, 1991). Also central to Neo-classical theory is the proposition that punishment should be proportionate to the seriousness of the offence and prior record of the legally convicted youth. Finally, legal conviction requires rigorous application of due process or fair procedure. The ideal of 'justice-as-fairness', therefore, requires that retribution occurs, but only in a manner that protects the offender from any procedural abuses (Reid-MacNevin, 1991).

Another key tenet of the Justice Model philosophy is that mandatory treatment is an infringement of basic legal rights and any

treatment requires youth consent. This principle demanded a marked shift in youth correctional policies /programs under the YOA compared to the JDA. The resultant change has created severe criticism in that multi-problem youth who desperately need access to treatment programs are denied such needs because of the mandatory consent to treatment. These critics would argue that without mandatory treatment, too many Native youth are lost to self-destructive violence, specifically, suicide.

While the JDA emphasized rehabilitation, the YOA again shifted more towards Crime Control Model principles.

### ***CRIME CONTROL MODEL***

The Crime Control Model is largely based on the principle that protection of the public and maintenance of law and order is the primary objective of any criminal justice system. Thus, laws are designed to provide protection and social order and all criminal behaviour must be swiftly sanctioned (Reid-MacNevin, 1991). As with the Justice Model, criminal behaviour occurs wilfully but differs slightly in that punishment is not reliant upon the proportionality principle. Rather, that it should include incapacitation for the immediate protection of the public and then teach the offender responsibility and accountability. Subsequently, due process and other Justice Model principles should not interfere with this primary objective (Reid-MacNevin, 1991; Corrado and Turnbull, 1992). If the goal of the Crime Control Model is offender punishment, then the recently

experienced increases in youth custodial admissions described by Markwart (1992c) suggest that the YOA has, despite public and media perceptions to the contrary, followed the Crime Control Model prescription. For Native youth in British Columbia, it has not been evident whether they have been discriminated against in terms of the relationship between offence and incapacitation, or, strictly custodial sentences. This issue will be examined later in Chapter Four.

### ***MODIFIED JUSTICE MODEL***

Corrado (1992), in response to the YOA's combination of key principles from several criminological theories and youth justice models, argues that a fourth model is required to characterize the YOA:

**This mixture of principles and policies which are associated with the Justice, Welfare, and Crime Control Models, make it difficult to categorize the YOA according to the classic Welfare Model and Justice Model dichotomy. Hence, I would argue that the YOA can be best described as a Modified Justice Model.**

(p.11)

According to Corrado (1992) then, the Modified Justice model falls somewhere on the continuum between Welfare and Justice Model philosophies (see Figure 1).

A fundamental criticism of the YOA is that too many principles are mutually exclusive or not prioritized. As a result, different sections within the YOA are difficult for youth justice officials to interpret and apply with any consistency (see Hackler, 1991; Hamilton and Sinclair, 1991; Reid-

MacNevin, 1991). This critical perspective, however, has not gone unchallenged. Proponents of the YOA have countered with the argument that the YOA is still evolving in practice and is essentially sound theoretically.

The combination of philosophies from the three models of youth justice occurred according to one of the principle drafters of the YOA, judge Omar Archambault, because the JDA was too narrowly based on outdated positivist theories of youth crime. He argues that rehabilitation and treatment ideals should not minimize the contemporary research and theories about the importance of responsibility and accountability, and, equally important, the due process rights of youth (Leschied et al, 1991). Remembering that there was a continental shift towards more Justice and Crime Control philosophies, the drafters of the YOA designed the legislation so that it did not entirely rid itself of rehabilitation and treatment ideals, but rather, included them in a contingent manner, i.e., the protection of society and need for personal responsibility are to be considered simultaneously but equally with the need to recognize youth's 'special needs' (Corrado, 1992).

In describing the Modified Justice Model, Corrado (1992) is quick to illustrate that it is not simply a 'catch all' category which has no tangible directions or guidelines. He argues that the model has definite characteristics such as the requirement for due process, the resultant need for legally trained personnel, the need for social and childcare workers, respect

for individual rights and offender special needs, the use of sanctioned behaviour, the task of diagnosis and punishment based upon the notion of diminished offender responsibility, and the utilization of bifurcation (soft offenders are diverted while hard offenders are punished) (Corrado and Turnbull, 1992). These principles have resulted in a youth justice system where the trial process reflects an adult-based criminal law procedure while the sentencing process reflects a more traditional juvenile amalgamation of diversion, punishment, rehabilitation, attention to special needs and the protection of society. These goals need to be examined further in order to assess their potential explanatory power regarding the four hypotheses in this thesis.

## **POTENTIAL IMPACTS OF THE YOA ON NATIVE YOUTH**

Though most of what is written about the YOA comes from non-Native scholars, Native critics have taken strong positions about this law as well. It is these two sources combined which help to illuminate the theoretical impetus behind the hypotheses.

### ***NON-NATIVE PERCEPTION OF THE YOA***

As already mentioned, the major criticism of the YOA is that it encompasses conflicting models of youth justice (Reid-MacNevin, 1991; Corrado, 1992). Even its staunchest proponents, such as Nicholas Bala (1992), admit that the YOA does not employ only one philosophical orientation, yet, maintain that there is no inherent flaw in this strategy. He



further argues that given the diversity of reasons for youth crime, no single theoretical approach is obvious. In effect, the YOA is 'correct' for it addresses youth problems by taking the goals and objectives of numerous philosophies and constructively combines them to create a diverse and applicable law. Corrado (1992) and Hackler (1991) claim that confusion, inconsistency, ineffective policies and negative trends have resulted from the YOA reforms of most provincial youth justice systems. Pratt (1991) supports this critical view of the Modified Justice Model with his analysis of the sixty-eight year British experience with this approach. Pratt (1991) further asserts that current reforms of the English system reflect a decisive shift to a Corporatist Model as attempts combining Welfare and Justice Models repeatedly fail.

The second criticism common among YOA critics is that the maximum and minimum age limits are either too high or too low. Taking an argument premised on Crime Control Model ideals, the minimum age of twelve is too high when the protection of society is being considered. Similarly, the maximum age of seventeen inclusive is too high as youth are cognitively mature enough to be classified as adults at this age (see Corrado, 1992). In failing to raise such youths to adult court, which is perceived as less lenient on offenders than youth court, the justice system is allowing older youths the luxury of not being fully responsible adults. This angers numerous lobby groups who advocate harsher punishments and more

transfers to adult court for youths who commit crimes over the age of sixteen. In keeping with the Crime Control Model argument, the third criticism is raised by the police and reflects their growing frustrations.

Police officers have repeatedly voiced concern over 'excessive' young offender legal rights. Police critics assert that instead of obtaining accurate information about youth crime and quickly disposing of cases involving young offenders, they have to be more concerned with the appropriate legal safeguards afforded to youth which in the end result in more time-consuming paperwork (Corrado and Markwart, 1988). In conjunction, some police officers feel that their powers are eroded by the legislation as under the YOA; the police no longer act in the capacity of 'gatekeeper' to the youth justice system. This has now for the most part been left to the discretion of crown counsel.

Finally, police critics maintain that young offenders too often 'get away' with crimes because of 'technicalities' and as a result neither is society protected nor young offenders deterred from further crimes. Corrado and Markwart (1988), however, argue that the police do in fact have new powers under the YOA. They can now fingerprint, take pictures and send youth directly to court through a 'promise to appear' notice or detention and arrest summons without awaiting a decision from crown counsel. In addition, there has been an increase in the use of pre-disposition surveillance by the police which arguably enhances police powers in that officers may

have input in the sentencing of young offenders. Because of this, police critics maintain that young offenders learn how to 'play' the system and end up appealing charges based on trivial legal technicalities. This then instills a negative attitude and teaches youth how to 'cheat the system' instead of how to be responsible citizens.

Milne, Linden and Kueneman (1992) conducted a comprehensive study which found that the performance of defence lawyers in youth court largely relied upon whether the individual lawyer considered him /herself as either advocate or guardian. Corrado and Markwart (1988) claim that 87% of youth committed to custody are represented by counsel. This raises the question of whether due process ideals are accountable for the increased tendency to incarcerate or whether it is simply the quality and presence of lawyers. According to McKay (1987), judges are very critical of lawyers' performances as they often complain lawyers know little about their clients thus serving as a detriment to them. In addition, lawyers can be found advising youth about their rights which may work counter to their best interests (McKay, 1987). Despite case evidence, custodial data clearly indicates that youth routinely have not benefited from legal representation since custodial rates have increased dramatically under the YOA. (Markwart, 1992c)

A fourth criticism of the YOA consists of the time-consuming and costly back-logs in provincial youth court (Corrado and Markwart,

1988). Because of due process, the use of court time has dramatically increased. The utilization of lawyers has brought about more court-time per case and a remarkable increase in the amount of cases taken to youth courts in non-metropolitan areas. Under the JDA, most cases were dealt with informally and those that did go to youth court seemed to be quickly processed. With provincial courts already back-logged due to adult criminal and civil cases, the increased use of youth court under the YOA is detrimental to the justice system as now the chance of youth 'getting lost' within the system may be amplified (see Hackler, 1991).

A fifth criticism of the YOA is that provincial disparities in handling youths have not been eliminated. One of the original goals of the YOA was to ensure Canadian wide standards in youth justice. Under the former JDA, each province had a vast latitude of discretion in how to administer its youth justice system. Consequently, discrepancies occurred which were deemed unfair to youth across the entire country. Under the YOA, Larry Wilson (1990) argues that the youth justice system is still unbalanced provincially. The best example provided is the two-tiered system of adjudication found in Ontario and Nova Scotia. In Ontario specifically, youth under the age of sixteen are handled in phase I level of youth court, while youth over the age of sixteen are handled within phase II. Problems arising from this are that youth in one phase are afforded certain program initiatives while youth in the other phase are not. Similarly, a

Canadian wide standard in youth justice was supposed to be created by the YOA, yet youth in these two provinces are treated differently overall, to a certain degree, than in other provinces who have only one level of youth court. Though to date this discrepancy has been almost completely removed, such provincial disparities ought not to exist under legislation that was designed to create fairness and equality.

One of the most severe criticisms of the YOA is that it has contributed to a remarkable increase in custody dispositions (Markwart, 1992c). For legislation which follows the principle of least interference, it is confusing why incarceration has proliferated. Scholars argue that the YOA has no definitive guidelines which decision-makers can follow thereby contributing to rising custodial rates. Alternatively, others argue that the legislation places greater emphasis upon the youth's offence rather than the youth's social situation. This then creates a tendency for decision-makers to not utilize community or treatment dispositions, and instead, rely upon punishment (Leschied et al., 1988; Greenberg, 1991; Corrado, 1992). Further still, arguments focus on the poor job of lawyers, mixed judicial ideologies, a reliance upon pre-disposition reports and a lack of community-based sentencing options as accounting for increased custodial sentences (Corrado and Markwart, 1992). Regardless of which shoulders the burden, the occurrence of increasing custodial rates remains inexcusable when one realizes that custodial institutions still largely house property offenders.

Out of all the youth court cases heard in Canada in 1991, 25% resulted in some form of custody even though less than 20% dealt with violent offenders (Greenberg, 1991). The majority (close to 60%) of cases heard in youth court still concern property or property related offences even though custodial dispositions have dramatically escalated since the introduction of the YOA (Markwart, 1992c). In British Columbia, the amount of incarcerated youth from the last JDA year (1983/84) to the third YOA year (1986/87) increased by 85% even though adult committals decreased by 12% for the same time period. Related to this, admissions to custodial centres for youth aged twelve to fifteen in Southern Ontario for the same time period rose by 120% as compared to committals under the JDA to Children's Aid Societies or training schools (Markwart, 1992c). This trend of increased incarceration is fairly consistent throughout the available data across the country. In defence, two points can be raised. First, across the country the length of time spent within custody has decreased under the YOA, presumably due to determinate sentencing and the 'short sharp shock' treatment (Beaulieu, 1991). And second, transfers to adult court for first time offenders above the age of seventeen have declined; though harsher sentences have been administered under the YOA (Markwart, 1992c). Arguably these findings in no way placate the fact that custody has dramatically increased under the YOA; however, they do illustrate that the YOA may not be as lenient on youth as the public often perceives it to be.

Despite its many weaknesses, the YOA has redeeming qualities. Following the philosophical shift from Welfare Model to Justice Model ideals, Corrado and Markwart (1989; 1992) illustrate that the legislation appeals to public sentiment as it makes youth accountable and responsible for their actions which was somewhat lacking under the former JDA. The relinquishment of indeterminate sentencing and status offences with the implementation of determinate sentencing makes the YOA seem more just and constitutional under the current use of *Charter* challenges. Concerning sentencing, the YOA now allows for judicial mitigation over original dispositions. Youth can apply for judicial consideration of their sentences which may benefit them based upon their unique circumstances (Leschied, 1991).

Policies and practices now originating under the YOA have also caused beneficial changes. One of these is the placement of greater emphasis on the schooling and education of young persons (Leschied et al., 1988b). This is particularly evident in correctional institutions where youth spend much of their time attending school studies. The use of the pre-disposition report has also benefited youth in that a complete social, criminal and mental history is kept on file and can be utilized in court sentencing as well as when determining the necessity for psychiatric or other related help (Leschied et al., 1988a). In terms of receiving psychiatric or any other such help, the YOA places limits on the ability of the court to mandatorily require

youth to receive such services. This controls potential abuses and tends to foster the utilization of more community-minded alternatives such as probation, community services, residential grouphome treatments and wilderness retreats (Leschied et al., 1988b).

Despite these positive attributes, the fundamental flaws of the legislation still remain paramount. While most criticism has been put forth by non-Native sources, the relationship of the act to Native youth can best be described by various Native peoples themselves. In so doing, the real problems inherent to Native youth and the legislation can be framed in a manner which will help further illustrate how the research hypotheses were derived.

#### ***NATIVE PERCEPTIONS OF THE YOA***

In conducting a comprehensive examination of custodial committals based on ethnicity, Markwart (1992c) found that:

**While Native youth comprise a substantially lesser proportion of custodial admissions in B.C. - 21% in 1988/89 - pre- and post- YOA comparisons indicate that admissions of Native youth have increased at double the rate of non-Native admissions ... (p.238)**

The implementation of the YOA appears to be having the effect of removing a disproportionate number of Native youth from their communities and family support systems. This increasing incarceration trend is even more disturbing knowing that the Native community was not even involved in the drafting and implementation of the act, yet their youth seem to be more



adversely affected by it (Griffiths, 1992). Aboriginal leaders have subsequently raised several issues about these custodial trends and other aspects of the current youth justice system.

In comparing the present youth court system with that of the traditional Native system's problem solving, Skoglund and Igloliorte (1990) claim that "The formal court system is not a great mechanism for dealing with human problems" (1990:176). In citing the increasing number of court delays, back-logs and length of time to dispose cases, their statement seems supported. Traditional Native problem solving relies not upon adversarial adjudication, but a mediated compromise between offender, community and victim which usually results in retribution or self-improvement of the offender (Schissel, 1993). With the YOA's legal orientation advocating the increased use of formal court processing, its effectiveness in dealing with Native youth problems then is questionable.

Expanding further on the effectiveness of traditional Native alternatives, Mouro (1991) states that the YOA fails regarding Native peoples because of two fundamental flaws. The first is that it tends to exclude the power of the family as a healer and support system while second, it excludes the community as a healer and support system. Given that most Native people live, work, and socialize in extremely small and isolated social settings, the family and extended family units tend to be the focus of Native life. They provides not only love and security, but also

entertainment and means of livelihood. With the family playing such a critical role in Native life, the potential devastating effects of removing Native youth from their families seems apparent. It can be readily understood, therefore, why Native critics claim that the YOA does not take into sufficient account the Native family communal settings and their importance, or potential, to Native youth. For these critics, the YOA is viewed as another example of 'colonial-mentality' law being inappropriately applied to Native persons.

Another criticism comes from a non-Native person who works extensively with Native peoples. Judge Dube (1987) claims that the YOA is ineffective for northern Aboriginal people because of money restrictions and misinterpretations. He contends that the YOA is too complex and formalistic which can only be made sense interpreted by the legally trained. He further claims that the administration of this act is most appropriate to a formal courtroom setting which, as discussed previously, is culturally alienating to many Native youth, their families and communities. The legal and philosophical 'complexity' of the YOA then adds to its cultural inappropriateness. Dube (1987) illustrates these problems with the YOA in the example of the role of defence lawyers. He asserts that while the availability of lawyers to northern youth is extremely limited, because of costs and distances of travel, their adversarial training and approach is foreign to many Native youth. Specifically, those youth are processed

according to due process principles they either do not relate to, or worse, do not gain benefit from if no defence counsel is available. Dube (1987) concludes that a youth justice system based more on mediation would better benefit northern reserve based Native youth than one founded on adversarial and due process principles.

Another dilemma facing many Native groups is the tension between wanting to return to a traditional life style and the costs of forgoing the dominant 'modern' life style advantages. In expressing this dilemma, Minore (1989) argues that the YOA is inadequate for dealing with Native young offenders because it does not routinely take into account this inherent contradiction that distorts the life style of many Native youth. In effect, both youth and adults experience severe tension and stress which often manifests into criminal conduct. With the YOA's focus on the youth's offence and only secondarily on 'special needs', the underlying cause of Native youth criminality is inadequately addressed in the sentences and youth justice experiences received. Minore (1989) contends that this cultural confusion needs to be dealt with directly through a therapeutic healing manner and, if neglected, further problems will inevitably arise with youth essentially continuing to be innocent victims. In effect, the policy response to Native young offenders should be a justice system which is based primarily on community cohesion and healing.

In discussing community cohesion, Carasco (1985) maintains that the YOA can be seen as a destructive force to Native youth for it breaks the important circle of life. As an example, Carasco (1985) quotes Jessica Hill of the Ontario Native Women's Association when she states:

**The traditional circle of life is broken. This leads to a break down of the family, the community and breaks the bond of love between the parent and the child ... To constructively set out to break the Circle of Life is destructive and is literally destroying Native communities and Native cultures. (p.2)**

As discussed previously, the family and community are focal points to Native life. They provide support and livelihood, and as Carasco (1985) further illustrates, they provide youth with a connection to their 'Nateness' and self-identity (Smith, 1993). The process of removing Native youth then, serves to distance them from their cultural identity and self-worth. Yet, Native youth are removed in increasing numbers from their communities (Markwart, 1992c).

The assertion that the YOA is based on an inappropriate Modified Justice Model and that a less justice oriented approach is needed receives some case study support when youth justice systems in other countries are examined. In effect, while Canadian senior policy-makers rejected the Welfare Model approach there are, nonetheless, countries that have adhered to versions based on this model, and, given the above criticisms of the YOA, it is possible that a Modified Welfare Model based law and justice system might be more appropriate to Native youth.

## **COMPARATIVE ANALYSIS: FRANCE AND NEW ZEALAND**

Both France and New Zealand have youth justice systems fundamentally different than that of Canada. In France, for example, the handling of young offenders can best be described as following paternalistic principles laid down in the Welfare Model. New Zealand, on the other hand, approaches youth crime in a manner similar to that of Canada by combining principles from both the Welfare and Justice Models of juvenile justice. However, the fundamental difference is that the New Zealand legislation recognizes Aboriginal youth and their unique problems and attempts to effectively address them within the framework of the law. It is with these differing approaches to youth crime that comparisons can be made with the Canadian experience.

In 1986, Hackler, Garapon, Frigon and Knight concluded a study which compared the use of 'closed' custody in the province of Alberta to an area outside of Paris called Creteil. Results found that Alberta had roughly 400 young offenders, ages twelve to eighteen, in 'secure' custody, while Creteil had 10. Obviously the French, following Welfare Model based legislation, tend to utilize 'closed' custodial dispositions far less than Alberta. Reasons for this are that unlike Canada, France has definite distinctions between what 'open' and 'closed' custody entail. The French believe that concern for the youth should centre on how long a youth will need a custodial placement, not what level the placement should be. As one

youth worker in France was quoted as saying, "... the idea is to keep them in the community" (Hackler, et al., 1986:21). 'Secure' facilities then are usually a specially designated section of an adult prison which houses around 15 youths. The youths normally spend very short amounts of time in these 'secure' facilities as the pretense for placement is not rehabilitation, but strictly punishment. In contrast, *Foyers* are short term placement or assessment centres which could be considered as 'open' custodial centres. Some *foyers* are utilized on a 'halfway house' concept but most serve as a transition and assessment centre where youth are diagnosed according to their particular needs. Similar to British Columbia, the French tend to utilize group homes and work camps which provide an educative and rehabilitative atmosphere intended to help integration back into the family atmosphere (see Hackler et al., 1986). Though British Columbia has work camp and ranch style 'open' custodial centres, the French seem to utilize the concept more extensively. The use of 'closed' institutions and *foyers* in France is in direct contrast to Canada where youth court judges decide the length of youth sentences, as well as the level of security, all in the hope that by placing youth in differing levels of secure institutions some of their 'needs' will be met.

France also differs from Canada in that each individual youth has a close relationship with justice system personnel. Youth often feel that they have one particular judge who handles 'their case' and it is this judge

alone who administers their legal matters (Hackler et al, 1986). The judge is seen as someone the youth can confide in and talk to on a personal level. Subsequently, French youth often have more input in their court disposition than Canadian young offenders. Concerning the use of custody, if a youth leaves a *foyer* without authorization (AWOL), it is seen as more of an inconvenience than a crime. If this happens, authorities usually feel that something is wrong with the youth's situation in the *foyer* rather than the youth acting in a criminal manner. Attempts will be made to reach a compromise in hopes of getting the youth back into the *foyer*. In Canada, leaving an institution without permission is considered a crime and punished upon return.

From the available literature it is evident that the French handling of young offenders relies more upon a therapeutic philosophy than the Canadian approach. French officials tend to view youth as 'in need of guidance' and attempt to work out an amicable compromise in hopes of putting the youth back into a co-operative family atmosphere. However, Hackler et al. (1986) found that French *foyers* tended to deal mainly with females. This implies that either French females commit more crimes compared to French males, or females are subject to a 'double standard' when adjudicated for minor offenses such as truancy, running away from home and sexual activity. Regardless of its strengths and weaknesses, the

French system of processing young offenders contrasts sharply to that of Canada and serves as an interesting comparison.

New Zealand has attempted to more directly address the specific issues involving their Indigenous 'Maori' youth. In 1989, New Zealand adopted a new system of juvenile justice (Morris and Maxwell, 1991). Deciding that previous legislation failed to fulfill its intended objectives of diversion and due process, the New Zealand government enacted its new legislation. With custodial dispositions continually increasing, the orientation of the *Children, Young Persons and Their Families Act* (1989) had a new and potentially radical concept. This was to curb the detrimental process of removing youth from their homes. This Welfare Model based concept became fundamental in terms of Aboriginal youth as they were often over-represented within custodial facilities. By approaching the problem in this manner, the legislation was seen as integrating Western and Aboriginal approaches to youth crime (Morris and Maxwell, 1991).

The main objectives of New Zealand's new legislation were to:

1. promote diversion instead of a reliance upon formal sanctions
2. ensure accountability and responsibility of youths
3. ensure that least restrictive sanctions are imposed
4. involve the family unit more in decision-making
5. ensure that criminal and welfare proceedings are strictly separate



6. include a place for the victims' interests
7. encourage service provisions with outside organizations

By fulfilling these seven objectives, the legislation attempted to ensure that:

- the rights and needs of Aboriginal peoples are taken into account
- the family unit is central in all decision-making processes
- victims are offered a role in young offender dispositions
- the decision-making model is based upon group consensus

(Morris and Maxwell, 1991)

In order to effectively integrate this new legislation, fundamental changes had to occur in several youth justice organizations throughout the country. Namely, the police were forced to initiate fewer arrests of young offenders due to constraints placed upon their arresting procedures, as well as be responsible for deciding whether or not to initiate prosecution. A Youth Justice Coordinator was established who, along with police officers, decides the various options available for diversionary proceedings which most youth receive. The creation of the Family Group Conference Committee has greatly reduced the number of youth cases going to trial as about 90% of all youth are processed through this agency as opposed to the courts (Morris and Maxwell, 1991). These structural changes all reflect a Welfare Model shift in New Zealand which is in direct contrast to the Canadian experience which is yet to be proven effective.

As in Canada, Aboriginal peoples are over-represented in New Zealand's criminal justice system (Broadhurst, 1985; 1988; Morris and Maxwell, 1991). In 1985, for example, Aborigines comprised well over one-third of the prison population. In addition, approximately one-third to one-fourth of all Aborigines (adults and youths) in New Zealand will receive some form of prison sentence during their lifetime, even though Aborigines tend to be jailed for minor offences such as drunkenness and property crimes (Broadhurst, 1988). Coupled with the finding that Aboriginal peoples also experience high rates of recidivism, 80% versus 49% for non-Aborigines, is the even more troublesome fact that Aboriginal youth have recidivism rates as high as 89% (Broadhurst, 1988). There is also overwhelming evidence that New Zealand's Aborigines face similar social, personal and economic problems to Canadian Native Indians: high levels of mortality; unemployment and alcoholism; along with low levels of education and life expectancy (Morris and Maxwell, 1991). These problems obviously create processing and program obstacles for justice system agencies in New Zealand which the new legislation was designed to address.

Whether New Zealand's innovative shift to a Modified Welfare Model law will be effective in addressing youth crime remains to be seen. Perhaps the legislation will encounter the same difficulties as the YOA in that conflicting philosophical orientations create confusion among youth justice personnel (Corrado et al., 1992). Potential problem areas with New

Zealand's legislation are that it is supposed to instill young offender accountability while utilizing diversion. An additional unevaluated goal is that victims' interests must be served along with that of the offender's family. If diversionary programs falter, the youth justice system may become 'frustrated' and subsequently return to the use of incarceration. However, the use of diversionary programs may benefit New Zealanders in that youth crime and recidivism may decline. Regardless of its future implications, New Zealand serves as an interesting comparative analysis to Canadian Native youth in that both countries have adopted different approaches to youth crime even though their Aboriginal populations have similar characteristics.

## **CHAPTER III**

### **METHODOLOGY**

Conducting any research on Native youth is a politically and socially sensitive project. Given the long and often tragic history of suffering experienced by the various peoples of the First Nations, it was imperative that the methodology of this research not be seen as intrusive and without potential benefit to Native youth. To adequately test the four hypotheses (see page 66-67), it was necessary to conduct detailed personal interviews and review case files. These data sources required the formal approval initially from the Ministry of the Attorney General of British Columbia, and, subsequently, each person interviewed. A brief history of this process will explicate how the research proceeded. Since this project proposed to examine Native youth who are in both 'open' and 'closed' custody throughout British Columbia, it was necessary to contact a senior official in the Corrections Branch of the Ministry of the Attorney General. Both the sensitive nature of the personal interview questions and access to confidential file data required that formal approval be obtained. In addition, the project depended, to a considerable degree, on correctional staff viewing the proposed research as relevant to themselves and Corrections Branch policy information needs.

The contact approached was a senior youth policy analyst within the Ministry of the Attorney General.<sup>(1)</sup> This person was initially

presented with a general research topic concerning Native youth in custody. Once the mutual interest was established, the specific hypotheses were derived both from the initial literature review and in discussions with the senior youth policy analyst. The population of Native youth in custody and the methodology to assess the hypotheses were also the subject of several exchanges. Over nine months, access to institutions and youth files, interview formats and travel schedules were approved. Since most of the interview subjects were minors and the Ministry of the Attorney General was the legal guardian while they were in custody, Youth Corrections had to approve the methodology. Several drafts of the interview questions for both youth and upper-management were presented and later approved.

The senior policy analyst was further invaluable in conducting the actual research. He not only approved the project, but also arranged for access to the various custodial centres as well as provided a detailed list of all upper-management personnel who could be interviewed. Finally, he informed the appropriate institutional personnel of the research project and asked for their co-operation.

The interviews took place between January 11 and April 2, 1993 at the following institutions - Victoria Youth Detention Centre,

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1. The opinions expressed within this research project are entirely those of the author and not the Ministry of the Attorney General.

Willingdon Youth Detention Centre (Burnaby), Boulder Bay Youth Camp (Maple Ridge), Prince George Youth Detention Centre, Lakeview Youth Camp (Campbell River), Holly Cottage Youth Detention Centre (Burnaby), Burnaby Youth Detention Centre, Center Creek Youth Camp (Chilliwack) and Hy Valley Youth Camp (Logan Lake). The typical procedure followed at each institution will be described next.

One week prior to arriving at an institution, telephone contact with the institutional director was established. This procedure was imperative for it allowed the director the opportunity to ask questions in order to allay any fears or apprehensions concerning the research. These conversations also centered on the number of Native youth presently at the institution, who the best person to contact was for the actual interview set-up, ensuring that all the upper-management were going to be present during the visit and tentatively scheduling staff interview times.

The procedure for interviews was to identify all those Native youth in the institution on a particular day. This list of names was checked by several staff members to ensure that no Native youth were missed. It quickly became evident, however, that some Native youth who appeared Caucasian were not recorded as 'Native' in the correctional file data. Another identification reliability issue involved Metis who were also often listed as 'Caucasian'. Nonetheless, all Native and half-Native youth were selected to be interviewed. This included Metis and one-half Metis. Once

the final list of Native youth was confirmed, their corresponding personal files were examined in order to record the file data information.

The most important component in recording the file data information was the pre-disposition report (PDR). The PDR was usually prepared by either a court worker or probation officer and detailed the youth's past court involvement, family life, alcohol and drug abuse, physical and mental health and education. The PDR was valuable because it offered a somewhat concise and accurate life history of each youth. Other reports found in the youth files which were also of value were the identification card, damage and incident reports, various probationary reports, early release requests, and classification printouts. All information in the data files was recorded though not all of it was analyzed and included in this thesis. Once this task was completed, the youth interviews then occurred.

The initial step in the interviewing procedure was asking the youth to voluntarily participate without any incentives. The case management co-ordinator was the best person to approach each youth and briefly inform them of the research project. It was felt that this confidential one-on-one process was best; however, in some of the smaller 'open' custody camps, an announcement was made introducing the researcher and research project during meal times. The difference here was that often times the researcher would eat three meals a day in the dining room with the youth

and staff and, being in such small quarters, it was felt that all youth in the camp had the right to know who this 'new person' was.

Interviewing the youth was perhaps the most enjoyable component of the project. It appeared that not being a correctional officer or formal authority figure allowed for very personal and privileged information to be conveyed. The interviews usually lasted about one hour to one and one-half hours, though some interviews went as long as two hours or more. The interview began by exploring the theme relating to the youth's present life within the institution (see Interview Schedule Appendix A). Here, youth were asked general open-ended questions relating to their daily schedules, amount of community contact, number of friendships established within custody and satisfaction with food and canteen services. In addition, closed-ended questions based on a five point scale were utilized exploring questions on previous self-harm practices.

The second theme explored the youth's adaptability to the centre (see Appendix A). Here the youth were asked specific closed-ended questions which explored their perceptions and occurrences of racist attitudes among various individuals within the custodial environment. Following this, the third theme asked youth to comment on the various custodial programs available and improvements, if any, which could possibly be undertaken (see Appendix A). Utilizing both open and closed-ended questions, Native youth provided valuable insight into correctional



programming potential which will be further explored in Chapter Five. The youth's drug and alcohol abuse constituted the fourth theme explored and once again, both open and closed-ended questions were used to solicit responses (see Appendix A).

Exploring the theme of educational experiences comprised the fifth area researched which utilized mainly closed-ended questions to access Native youth perceptions concerning schooling both within and outside correctional environments (see Appendix A). The sixth theme discussed related to Native youth contact with the criminal justice system (see Appendix A). As with the previous sections, both open and closed-ended questions were used which provided an overview of perceived reasons for becoming involved in criminal behaviour as well as past use of lawyers, social workers and probation officers. Following this, questions concerning the youth's home life constituted the seventh theme as youth were asked questions pertaining to their place of residence and principal care-takers (see Appendix A). Related to this, the eighth theme required youth to comment on perceptions of their childhood (see Appendix A). Both these sections utilized open and closed-ended questions and the responses provided valuable information detailed in Chapter Four.

The final two themes of the youth interviews involved perceptions of the criminal justice system and any future goals (see Appendix A). Once again, the use of open and closed-ended questions was

essential for deriving the data. Here, Native youth were asked to provide opinions on the sensitive topics of criminal justice reorganization such as the merits of an increase in Native correctional workers and police officers, as well as suggestions for stopping future Native youth crime. As explained earlier, with the Ministry of the Attorney General acting as legal guardian for incarcerated youth, no consent forms for the interviews were signed by the Native youth as each institutional director was responsible for that task.

Paralleling the youth interviews in procedure and research themes, the staff interviews were conducted in very much the same manner. A sample of upper-management in each institution was identified and asked if they would agree to be interviewed. Once the required consent forms had been signed, the interview procedure began.(2) The various staff interviewed were as follows:

<b>Victoria:</b>	<b>Director, Case Management Co-ordinator, Senior Correctional Officer, Principle Officer</b>
<b>Prince George:</b>	<b>Director, Operations Director, Program Director, School Principal, Probation Officer, Principle Officer</b>
<b>Center Creek:</b>	<b>Director, Senior Correctional Officer, Principle Officer, Case Management Co-ordinator</b>
<b>Willingdon:</b>	<b>District Director, Operations Director, Program Director, Senior Correctional Officer, Principle Officer, Case Management Co-ordinator</b>

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2. With the youth being minors, the director within each institution signed the appropriate consent form for each youth as legal guardian. In this manner, both youth and staff have the appropriate consent forms as required by the Simon Fraser University Ethics Committee.

**Burnaby Sex Offender: Senior Correctional Officer**

**Hy Valley: Director, Probation Officer,  
Senior Correctional Officer, Principle Officer**

**Boulder Bay: Director, Senior Correctional Officer,  
Probation Officer, Principle Officer**

**Holly Cottage: Director, Senior Correctional Officer,  
Probation Officer, Principle Officer**

**Lakeview: Director, Probation Officer,  
Senior Correctional Officer, Principle Officer**

The length of the staff interviews were similar to the youths in that they took approximately one and one-half to two hours to complete, though several interviews went on for as long as three hours. The first theme explored was utilized as an introduction to the research project in that various open and closed-ended questions were asked which provided a background history of each staff member as well as some general questions concerning their experiences dealing with Native youth (see Interview Schedule Appendix B). Paralleling the youth, staff were asked specific questions concerning the theme of Native youth within custody. Here, staff members faced closed-ended questions utilizing a five-point scale which solicited their perceptions on the existence of racist attitudes within youth corrections.

The next theme explored staff perceptions on how well Native youth adapt to correctional settings (see Appendix B). Both four and

five-point scale closed-ended questions were used in dealing with such topics as Native youth fighting, contraband, and victimization. After this, the following theme explored correctional programming as staff were asked various open and closed-ended questions dealing with the merits and detriments of programming for Native youth (see Appendix B). As with youth responses, staff suggestions provided necessary information for policy development which will be discussed in further detail in Chapter Five. The use of drugs and alcohol by youth constitutes the next theme researched as various closed-ended five-point scale questions were used to obtain staff perceptions on why some Native youth abuse substances (see Appendix B).

The merits of institutional education constituted the next theme which once again used both open and closed-ended questions (see Appendix B). After this, staff were asked questions relating to Native youth home life which constituted the next research theme (see Appendix B). Once again, both four and five-point scale closed-ended questions were used in an attempt to capture staff perceptions on Native youth physical and sexual abuse problems. The final two themes researched staff perceptions on the criminal justice system and future goals of incarcerated Native youth (see Appendix B). As with the youth, staff provided valuable information regarding the issues of ethnic /minority hiring practices, separate justice systems, the effectiveness of the current system to address Native youth social and criminal problems and the idealistic goals of youth corrections.

## **POPULATION VERSUS SAMPLING**

The original research design called for interviewing the entire Aboriginal youth population within custody as well as correctional upper-management. Unfortunately, this objective was not achieved. At the time of interviewing there were exactly fifty Native youth identified within the correctional system. All fifty youth were approached, but a sample of forty-five was obtained; three voluntarily withdrew from the process, one was AWOL (absent without leave), while the other was away on an extended court date.

Fortunately, all staff members approached (37) agreed to be interviewed and found time within their busy schedules to provide meaningful responses. When time could not be easily set aside, staff willingly allowed the researcher to spend time with them during their working shift in order to conduct the interview. In the end, however, this procedure proved beneficial in that the daily 'ins and outs' concerning the operation of the institution were experienced first-hand by the researcher, and, the relationships between youth and staff were studied in an informal participatory-observer fashion.

In terms of staff interviews, however, a sample was also created. All district directors, institutional directors, operations directors, program directors, senior correctional officers, case management coordinators and institutional probation officers within the province's youth

correctional system were interviewed. However, only a random sample of principle officers was obtained. It was felt that because of the accessibility of principle officers, mainly due to union restrictions, that randomly choosing one principle officer who would be working during the interview schedule would provide an accurate representation of this level of management. Due to the particular nature of one institution, however, the school principal was also interviewed, for this person was considered as upper-management due to the position and 'power' held.

Only two of the institutions researched had designated program directors. These individuals were interviewed though their data was not utilized in the final analysis because their interviews were formatted somewhat differently from the rest. In addition, the program directors were asked very specific open and closed-ended questions pertaining only to correctional programming, while the other staff interviewed were not. For example, the program directors were not asked the generic questions concerning Native youth social and communal life; instead, they were asked questions concerning present and future directions of correctional programming. Though their data was not utilized in the research data set, the program directors' interviews provided additional comments and helped to highlight several policy /program themes which emerged throughout the entire interviewing process and will be addressed later in Chapter Five.

Unfortunately, random sampling of line-level staff members did not occur because union time restrictions resulted in difficulties with time scheduling. Surprisingly, however, several line-level staff expressed keen interest in the research project and wanted to be interviewed. Due to time restrictions placed on the researcher, formal interviews were not conducted though informal discussions occurred which allowed for the passage of interesting information.

## **DATA CODING AND DATA SETS**

Coding the data and creating the actual SPSS/PC+ data sets were tasks which were time consuming but relatively straight forward. The data was coded in such a manner that every possible response for each question was noted. Once all the interviews were appropriately coded, they were entered into a word processing package and later transferred into the statistical package SPSS/PC+ for data analysis. Two data sets were created which consisted of first, the youth file data information, and second, the staff and youth interview responses. With the data sets created and checked for accuracy, the testing of the research hypotheses could begin.

## **HYPOTHESES**

As previously mentioned, four hypotheses were examined in this research project.

1. *Native youth and correctional upper-management disagree about the existence of racist attitudes in youth containment centres. This will be examined by contrasting:*

- A. Native youth opinions regarding the existence of racist attitudes**
- B. Correctional upper-management opinions regarding the existence of racist attitudes**

**2. According to correctional upper-management the social determinants of substance abuse, victimization and dysfunctional families are more extensive in contributing to Native youth criminality than non-Native youth criminality.**

**3. Corrections data gathered and utilized from pre-disposition reports and internal records accurately reflects the social and criminal circumstances of its imprisoned Native youth. This will be examined by contrasting:**

- A. Correctional file data**
- B. Native youth interview responses**

**4. Native youth and correctional upper-management disagree about how well Native youth adjust to their containment setting. This will be examined by contrasting:**

- A. The opinions of Native youth regarding how well they adjust to their containment setting**
- B. The opinions of correctional upper-management regarding how well Native youth adjust to their containment setting**

The hypotheses were designed to examine the major themes previously discussed in the literature review section in an attempt to not only add to the existing body of literature, but also identify possible areas where youth corrections could improve in current policies /programs relating to Native custodial residents. The outcomes of these hypotheses will be discussed later; however, in order to better facilitate a comprehensive examination of the data, a few recodes had to be conducted.



## **VARIABLE RECODING**

Once the specific variables to test the four hypotheses were identified, it became apparent that a few had to be recoded for convenience and applicability. Originally many variables were coded as 1=yes, 2=no and 3=undecided. These were converted to read 1=yes, 2=undecided and 3=no thereby creating a proper attitudinal scale. In addition, it was decided that each hypothesis ought to have variables with the same system of scaling in order to draw accurate conclusions. Variable k22, which dealt with asking the youth about how often they thought of self-harm, was originally coded as 1=very often, 2=often, 3=sometimes, 4=not often and 5=never. In order to maintain consistency with the other variables in the hypothesis, it was recoded as 1,2,3,4=1 (yes) and 5=3(no).

A similar procedure was done on variable s93 which asked staff members how well Native youth behaved in class compared to non-Natives. It was originally coded 1=very well, 2=well, 3=no difference, 4=poorly and 5=very poorly. It was then recoded as 1,2=1(more); 3=2(equal) and 4,5=3(less). These slight modifications did not contaminate the data and simply helped to facilitate easier comprehension.

## **STATISTICAL PROCEDURES**

In order to effectively test the four hypotheses, simple descriptive statistics were utilized. Descriptive statistics were felt to be the most appropriate manner in effectively presenting the data due to the use of

simple explanatory measurement scales. However, out of the four hypotheses, one hypothesis provided the opportunity to utilize a t-test for directly comparing the responses of youth and staff on an identical question. This process of comparing the means allowed for the rejection, or acceptance, of the null hypothesis which assisted greatly in the examination of the hypothesis. With an examination of the relevant literature, methodology and hypotheses complete, it is now possible to present the data analyses findings along with their major policy implications.

## **CHAPTER IV**

### **EMPIRICAL ANALYSIS OF PERCEPTIONS ABOUT CUSTODIAL EXPERIENCES OF BRITISH COLUMBIA'S INCARCERATED NATIVE YOUTH AND SENIOR MANAGEMENT**

As previously stated, the sample size consisted of forty-five Native youth including one female.<sup>(1)</sup> The correctional data indicated that all considered English their first language and every youth except one had no religious affiliation. Concerning marital status, thirty-six were listed as single, eight were unknown, while one youth was separated. Twenty-seven youth had no occupation while thirteen were students and only one individual had a stated occupation. Interestingly, four Native youth were documented as having illegal activities as their employment though it was not evident why this designation occurred.

Perhaps two of the more important demographics concerning Native youth criminality are education and age. The file data listed seven youth as having elementary education with the other thirty-eight having attained some level of secondary education. Interestingly, this finding is contrary to the data generated from interviews in that when asked about their educational experiences, eleven youth claimed only elementary level education while thirty-four claimed secondary level. The implications

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1. Unfortunately only one female was included within the sample as at the time of research, only two Native females were in custody. One agreed to be interviewed while the other declined for personal reasons.

of this finding will be discussed later in hypothesis #3. The distribution of age is interesting in that it illustrates a large concentration of older aged offenders within the correctional centres (see Table 1.1).

**Table 1.1: Age Profile of Native Youth**

<b>AGE</b>	<b>NUMBER</b>	<b>PERCENT</b>	
13	1	2.2	
14	1	2.2	
15	4	8.9	
16	10	22.2	
17	18	40.0	
18	10	22.2	
19	0	0.0	
20	1	2.2	
<b>00</b>	<b>45</b>	<b>100.00</b>	<b>totals</b>

The table above indicates that 64.4% of imprisoned Native youth are above the age of sixteen. With almost two-thirds of all Native youth being within this age category, arguments surrounding the effects of increased provincial cost spending due to the YOA's increased maximum age limit are supported. If the maximum age limit were reduced, arguably a large amount of present provincial monies spent on youth corrections would not be needed. Those Native youth who are older and currently within the youth system

would find themselves in the care and control of either Correctional Services Canada, for sentences over two years, or adult provincial centres for sentences two years less a day. In so doing, they would be administered using both federal and provincial rather than exclusively provincial funds.

### ***NATIVE YOUTH SOCIAL PROBLEMS***

Pre-disposition reports and correctional file data are comprehensive regarding youth social problems. Prepared usually by a probation officer or youth court worker, the pre-disposition reports outlining Native youth social problems were generally accurate representations of the individual's situation. Within the sample, thirty-six youth were listed as having good physical health with five being considered poor. Many Native youth in poor physical health benefit by entering the correctional system since their health usually improves after a period of several months. This can be attributed to a consistent and nutritious diet as well as the regular use of exercise equipment and involvement in other physical activities within the gymnasium. A disturbing characteristic, however, among Native youth in the correctional centres was the presence of fetal alcohol syndrome (FAS); 6.7% of the youth (3) were listed as being FAS individuals. How this condition was diagnosed is not described in the file data, and, therefore, it is not evident how reliable the above percentage is. Nonetheless, it is disturbing and warrants further investigation.

Beyond physical health, once a youth enters the custodial facility, their mental health is usually of immediate concern. Staff members attempt to determine problems facing individuals in order to request the appropriate treatment resources. The mental health status of Native youth is presented in table 2.1 and 2.2.

**Table 2.1: Mental Health Profile of Native Youth**

<b>CLASSIFICATION</b>	<b>NUMBER</b>	<b>PERCENT</b>
good	19	42.2
poor	20	44.4
suicidal	6	13.4
	<u>45</u>	<u>100.00</u> totals

A more detailed profile of problem characteristics is presented in table 2.2.

**Table 2.2: Specific Mental Health Profile of Native Youth**

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<b>CLASSIFICATION</b>	<b>NUMBER *</b>	<b>PERCENT</b>
exposure to death	5	11.1
mental problems	12	26.6
receiving professional help	7	15.5
firesetting behaviour	2	4.4
anger problems	14	31.1
sexual problems	7	15.5

---

**\* denotes multiple responses**

From this data, it is evident that a substantial number of incarcerated Native youth have serious personal turmoil with nearly one-third of these youth experiencing anger management problems and more than one-quarter with some form of identifiable mental condition. While less frequent, sexual problems and witnessing death experiences add to the disturbing set of problems.

A more disconcerting profile involves family histories: 44.4% of Native youth are listed as coming primarily from foster home situations. This figure then, represents a strong connection of Native youth involvement with Social Services and Housing. For one very young individual, the actual number of foster and group homes lived in is unknown by corrections, probation or even Social Services and Housing. Estimates place the amount

somewhere between eighty and one hundred, while the youth himself estimates one hundred and twenty, but is unsure. During the course of the interviews, it became apparent that his lifestyle was tragic in many ways that are too personal to describe.

Correctional data also provided descriptive statistics regarding abuse trends.

**Table 3.1: Abuse Profile of Native Youth**

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<b>Sexually Abused</b>		
12 yes (26.6%)	28 no (62.2%)	5 don't know (11.1%)
<b>Physically Abused</b>		
12 yes (26.6%)	26 no (57.7%)	7 don't know (15.5%)
<b>Youth as Sexual Abuser</b>		
8 yes (17.7%)	35 no (77.7%)	2 don't know (4.4%)

---

Approximately one-quarter of incarcerated Native youth in British Columbia experienced some form of physical and /or sexual abuse. In addition, with almost 18% of incarcerated youth being sexual abusers of some form, this profile poses various problems for institutional care and programming as well as post-release placement. However, sexual abuse programs were not always available and /or accessible for short-term custodial periods. Equally critical, consent to treatment is required under the YOA; however,



there is considerable sensitivity and stigma associated with this offence and victim experiences which are likely to inhibit any voluntary participation.

### ***CONTACT WITH THE JUSTICE SYSTEM***

Custody is the most severe sanction and this sentence is supposed to be reserved for either the most serious offences or as the final option in the 'tariff' for repeat offenders. More than two-thirds of the Native youth sampled (68.8%) have previously been in custody. It appears that custody for Native youth has not had the immediate deterrent effect.

A mixture of property and violent offences dominated the offence profile (see Table 4.1).

**Table 4.1: Past Court Offence Profile of Native Youth**

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<b><u>OFFENCE</u></b>	<b><u>NUMBER *</u></b>	<b><u>PERCENT</u></b>
Property	42	93.3
Violent	27	60.0
Breaches	31	68.8
Sexual	6	13.3
Mischief	21	46.6
Weapons	7	15.5
Motor Vehicle	12	26.6

---

\* denotes multiple responses

Of the forty-five youth interviewed, 93.3% had property offences on their criminal records. This figure exceeds the assertion that typically 60% of all

youth crime is property related (Markwart, 1992c). Also, over forty-six percent of the sampled population have had breaches added to their criminal record at some point. One common complaint among correctional staff interviewed was that youth kept returning to the institutions for minor breaches which, to them, illustrated the courts willingness to use custody strictly as a mode of punishment.

Additional information can be obtained regarding Native youth recidivism through examining the amount of previous court contact. Of the sampled youth, only four (8.8%) have had no previous court contact. Twenty-five (55.5%) have had one to five court experiences while twelve (26.6%) have had six to nine court experiences. Of the remaining four, two (4.4%) have had over ten appearances in court with the last two youth having non-available data. According to correctional data, it appears that recidivism is indeed prevalent among the sampled Native youth.

In the following section, each hypothesis will be examined with the youth and senior management samples.

## **HYPOTHESIS #1**

*Native youth and correctional upper-management disagree about the existence of racist attitudes in youth containment centres. This will be examined by contrasting:*

- A: Native youth opinions regarding the existence of racist attitudes*
- B: Correctional upper-management opinions regarding the existence of racist attitudes*

## ***YOUTH RESPONSES***

The Native youth were asked several questions regarding the presence of racist attitudes; most importantly, if they had experienced what they would call racism within the institution. Approximately one-half (51.1%) answered 'yes' while nearly a similar proportion (48.9%) answered 'no'. However, racial epithets in name calling by other residents was the most frequently mentioned racist experience. The youth were also asked to rate their relationships with the non-Native residents. Again, the majority of Native youth (55.6%) felt that their relationships were either 'good' or 'average' (24.4%). Given the perception that most racist experiences were not perceived as 'major incidents', and that relationships with non-Natives were not essentially negative, it initially appeared that Native youth were not subject to overt discrimination within custodial centres. However, a significant proportion of Native youth (17.8%) claimed that they did not 'mix' with anyone in the institution and preferred to complete their 'time' alone. Based on the latter finding, this did not necessarily precipitate perceptions of the presence of racism; however, it may have been an initial indication of depression which will be addressed later.

The youth were also asked to comment on specific correctional personnel racist attitudes.

### Case Manager

Again, there was broad consensus: more than two-thirds (68.9%) stated their case manager treated them either 'very well' or 'well'. Another one-fifth (20.0%) saw this relationship as 'average' while only a small minority (11.1%) believed that their case managers were doing an unsatisfactory job. Most youth based their assessments on how much the case manager 'cares' and how many 'perks, benefits and little extras' were received. Usually such 'perks' centered on terminal releases, temporary absences and program involvement.

### Line-Staff

Correctional line-staff fared even higher since 28.9% of the Native youth felt they were treated 'very well' while 51.1% felt they were treat 'well'. Interestingly, only 20.0% rated their treatment as 'average'. In effect, there were few, if any, negative perceptions of staff whom youth spent most of their time in direct contact. Instead, Native youth seemed to have developed a positive rapport with the line-staff. This relationship according to almost all youth was largely based upon reciprocal respect. Yet, on occasion, Native youth claimed that certain staff were labeled 'robos', meaning strict or unfriendly, while most were labeled as 'friends or cool'. Once the personalities of individual line-staff were established, youth claimed to know how to relate to them and avoid confrontations with 'robo' types.

### Supervisory Staff

Correctional supervisory staff also routinely received positive ratings. Though not always in direct contact with Native youth, the supervisory staff were still perceived in a favourable manner since twenty percent felt that supervisory staff treated them 'very well' while 51.1% chose the 'well' rating. Approximately one-fifth (22.2%) felt these relationships were 'average' while only three youth (6.6%) chose 'poorly' and 'very poorly'.(2)

### Teachers

Institutional teachers received the most favourable ratings of any group. Teachers were seen as having a very positive impact upon Native youth. Also, teachers usually were viewed as not being part of the correctional system by both youth and staff, and, therefore, were less constrained in establishing close relationships with the youths. Several youth statements suggested that this view may be attributed partly to the fact that teachers allowed them to experience 'success' for perhaps the first time in their schooling. However, it may also have been a reflection of the focused time teachers spent with youths given a teaching ratio of about 6:1. Nearly all (86.7%) Native youth claimed teachers treated them either 'very well' or 'well'. An additional 11.1% viewed these relationships as 'average' with only one youth stating that the teachers treated him 'poorly'.

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2. Interestingly, 20.0% of Native youth claimed they hardly ever saw supervisory staff. This was confirmed through staff interviews when some upper-management stated they had little contact with the institutions population due to work demands and busy daily schedules.

## **Program Staff**

Many of the nine custodial centres did not specifically designate separate program staff; nonetheless, all interviewed youth were asked to rate this group. The responses reflected the fact that while some institutions had separate program staff, others required individual staff members to oversee a particular program which usually appealed, on a personal level, to the line-staff member's interest. Realizing this, several youth claimed that line-level staff members often behaved more favourably when overseeing their particular program as compared to their usual routines. As with the others, the program staff were viewed in a positive manner by Native youth; 82.2% claimed to be treated either 'very well', or 'well'. Most of the remaining youth (15.6%) felt that they were treated 'average' while one youth felt he was treated 'very poorly'.

With Native youth generally having perceived no overt and comprehensive racist attitudes within custodial centres, the question of whether or not the justice system should have separate institutions for Native offenders was not surprisingly rejected by the majority of youths. Only sixteen (35.6%) felt separate institutions were essential while twenty-seven (60.0%) felt they were not; two youth were undecided on the question. Of those who responded positively: five felt there would be less racism; five felt you could learn more about your culture; three thought it would be good to be with others of your own kind; while two thought only Natives can

understand their youths' problems. Of those who answered in the negative: thirteen felt that separate institutions would cause more problems because it would be seen as reverse discrimination; in addition, two felt that having separate institutions was too political and might cause an increase in Native gangs within society.

### ***STAFF RESPONSES***

Paralleling the youth interviews, correctional upper-management members were asked how much they agreed that there were racially discriminating attitudes directed towards Native youth within custodial centres.

#### **Line-Staff**

Contradicting Native youth responses, correctional upper-management felt racist attitudes somewhat existed among the line-staff. Almost two-thirds (60.0%) 'agree' with the idea while slightly more than one-third (34.2%) either 'disagree' or 'strongly disagree'. Two individuals (5.7%) chose to remain ambivalent. The majority of respondents claimed that only about 10% of the line-staff had racist attitudes though figures as high as 30% and as low as 0% were given. Of those who felt racism was present, the common example given was covert actions such as 'coffee room talk' and joke telling which was never done in the presence of any youths.

### Program Staff

Program staff, on the other hand, appeared to be acting in a manner which could not be labeled as racist. Only 17.1% of the sampled individuals felt racist attitudes existed among the program staff. Almost three-quarters (71.4%) either 'strongly disagree' or 'disagree' with the idea. However, those institutions whose program staff were also the line-staff presumably received the same responses. Nonetheless, the findings suggested that program staff did not exhibit racist attitudes.

### Upper-Management

Asked to objectively assess themselves and their colleagues, upper-management produced the strongest rejection of racism. In fact, correctional upper-management firmly felt there were few racist attitudes among themselves: 57.1% chose 'strongly disagree'; 22.9% chose 'disagree'; 11.4% remained ambivalent; while only 8.5% chose 'agree'.

### Non-Native Youth

Once again juxtaposing the Native youth, correctional upper-management agreed with the statement that non-Native youth behaved in a racist manner towards their Native counterparts. Three-fifths (60.0%) either 'strongly agree' or 'agree' with the question while only eight (22.9%) individuals were in opposition. Six (7.5%) chose to remain 'ambivalent'. Those who agreed to the existence of racist attitudes often qualified this by stating that racial sentiments seemed to be cyclical and often started with only one resident in



an isolated incident or context. Overt racism likely surfaced when a youth was mad and was attempting to provoke a fist-fight. Once the incident ended, there were few lasting overt racist sentiments that followed. In contrast, Bartollas et al. (1975) and Bartollas and Miller (1994) claim that racism in U.S. youth custodial institutions is deeply embedded in structural relationships based on an 'inverted status hierarchy'. Youth from low status ethnic /racial groups outside the institution, most importantly Afro-Americans, have the highest status inside. Imported gang structures and their subculture of violence allows Blacks and Hispanics to impose a reverse racism on White youths who are the most frequently victimized.

### Volunteers

By donating their personal time, one would expect volunteers to be free of racist attitudes. This was confirmed by the responses since nearly two-thirds (65.7%) of the senior management 'strongly disagree' or 'disagree' to the presence of racism among this group. However, a surprisingly large portion (31.4%) were ambivalent. This can possibly be explained by the fact that some institutions do not have a volunteer program because of their remote locations. In addition, many of the upper-management routinely did not see volunteers given that the latter usually visited in the evenings when the senior management work shifts had finished.

With the majority of upper-management feeling racist attitudes existed among non-Native youth, question #14 of the staff interviews is of

particular interest (see Appendix B). Asked how non-Native youth generally treat Natives, over three-quarters (77.1%) of the upper-management felt they were treated the same as other youths. Interestingly, they stated that in most cases the manner a youth was treated depended upon their respect and position within the institution's subcultural hierarchy; which was largely independent of ethnicity. Though respect and position for some youth was based on race, and Native culture was not high in the status hierarchy, how an individual acts or carries him /herself greatly influences the treatment received. Yet, why then did staff members feel racist attitudes existed among non-Native youth, yet also stated non-Natives treated Natives well? This will be addressed later in Chapter Five.

If Native youth are subjected to racism within custodial institutions, then, as with ethnic and racial minority offenders, they tend to associate with only each other for companionship and protection (Bartollas and Sieverdos, 1983; Bartollas and Miller, 1994). However, 68.6% of the upper-management indicated that this was not the case. Rather, the majority of respondents felt that Native youth were not strongly embedded in their Native culture and, therefore, was not a distinctive criterion for friendships. For Native youth, as with most others, the most important motive was the desire to fit into the residential population and the general institutional culture which was definitely not influenced by Native cultural values. Several staff members who previously worked in adult facilities stated that

youth centres were much more enjoyable than adult institutions exactly because race cliques were not as prevalent.

***YOUTH PERSPECTIVES ON LINE-STAFF RACISM VERSUS SENIOR STAFF PERSPECTIVES***

A t-test was conducted in order to assess whether there were differences between youth and upper-management answers assessing line-staff racism. With a separate variance estimate of 4.33 and a confidence interval of 95%, the null hypothesis was rejected (see Table 5.1). There is disagreement between Native youth and correctional upper-management regarding the existence of racist attitudes in youth containment centres among the line-staff members.

**Table 5.1: Youth Perspectives on Line-Staff Racism Versus Senior Management Perspectives**

		n	mean	SD	SE
	youth	45	1.911	.701	.105
	staff	35	2.9143	1.222	.206

  

		Pooled Variance Estimate			Separate Variance Estimate		
F value	2-Tail Prob.	t value	degrees of Freedom	2-Tail Prob.	t value	degrees of Freedom	2-Tail Prob.
3.03	.001	4.62	78	.000	4.33	51.07	.000

Overall, the presented hypothesis can be partially rejected. Both Native youth and correctional upper-management felt racist attitudes did not exist within custodial centres. However, two issues remain contentious. Correctional upper-management felt that racist attitudes existed among both line-staff and non-Native youth, though Native youth themselves did not agree. Furthermore, correctional upper-management stated that racist attitudes existed among non-Native youth though they later stated Native youth were treated according to their 'status', which was not usually based on ethnicity. The two discrepancies will be further addressed in the following chapter.

## **HYPOTHESIS #2**

*According to correctional upper-management the social determinants of substance abuse, victimization and dysfunctional families are more extensive in contributing to Native youth criminality than non-Native youth criminality.*

Substance abuse is prevalent among many Native communities (Shkilnyk, 1985; LaPrairie, 1988; Condon, 1988). Similarly, these communities also tend to have high amounts of physical and sexual victimization within the family units. However, there are few comparisons between Native and non-Native experiences with these dysfunctional situations. An indirect method of beginning to assess these differences was to ask upper-management for their views on this comparison given their personal experiences with Native and non-Native youth.

## Alcohol

Nearly half (45.7%) the senior staff claimed that alcohol was 'more' important in contributing to Native criminality than non-Native; however, an approximately similar proportion (48.6%) claimed it was 'equal'. A small minority (11.4%) did not answer the question because they maintained that they did not know enough about Native youth community life to form an opinion.<sup>(3)</sup> Given this response pattern, the hypothesis must be rejected. It appears, therefore, that there is fundamental disagreement among senior management that alcohol is more extensive in contributing to Native youth criminality compared to non-Native youth.

## Narcotics

The responses to the impact of the use of narcotics provided slightly different results than the patterns for alcohol. According to correctional upper-management, the contribution of narcotics to criminality was typically either equivalent, or less, for Native youth than non-Natives. Again, the hypothesis was rejected. While nearly half (48.6%) the staff members felt that narcotic use was 'equal', one-quarter (25.7%) claimed it was 'less'. The remaining staff either chose not to answer the question (14.2%), or felt narcotics was 'more' important (11.4%). A not uncommon

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3. Several staff members admitted that they knew little about what youth do once they left the institution. They claimed that their job was only to worry about the youth's care and custody while at the centre and once released, was beyond their professional responsibilities.

explanation for this view was that drug use was not higher among Native youth due to their having less access to the money necessary to buy narcotics. This was argued especially for northern reserve based youth; however, once they moved to large urban centres, their ability to purchase narcotics increased and, hence, became more equivalent to that of non-Natives.

When Native youth were asked about their alcohol and drug habits, rather disheartening answers were commonly given. Sixty percent consider themselves alcoholic with one-third claiming to drink everyday. The remainder were divided between weekend 'binge' drinking and drinking at least three times per week. In response, almost half (48.9%) stated their drinking habits caused them trouble at home. Concerning school, however, nearly two-thirds (62.2%) felt drinking had no detrimental effects because they were either already suspended, or, simply did not attend. A nearly similar proportion (66.7%) maintained that alcohol contributed to their criminal behaviour while a further forty-two percent stated specifically that they committed crime when drinking.

The use of narcotics was similar as the majority (60.0%) stated they had a drug problem before coming to the institution: over 80.0% used marijuana extensively; almost half regularly used both hashish and acid; and, 35.5% had either tried or were regular users of cocaine. As with alcohol, almost half (46.7%) the Native youth felt drugs caused them problems at

home while 44.4% felt it caused them troubles at school. Interestingly, only seventeen (37.8%) youth felt drugs caused them problems with the police. Most claimed that they used drugs mainly to relax and 'mellow out', therefore, it did not contribute to their getting into trouble with the law. Those who felt it did cause such problems stated it was because they were dealers, or the police thought they were, and subsequently 'harassed' them.

### Dysfunctional Families

When asked whether Native youth within the institution were more or less likely to come from troubled families compared to non-Native youth, 31.4% of the staff members felt they were while 60.0% felt the proportion was equal. Only one staff member chose the 'less' category while two chose not to answer. Then asked whether this dysfunctional situation was more or less of an important factor in contributing to criminality between the two groups, staff once again favoured the 'equal' and 'more' categories. Less than half (40.0%) believed that the home life of Native youth contributed more to their criminality while 45.7% felt it was equal. Once again, only one staff member chose the 'less' category while four did not answer.

### Victimization

Only two-thirds of the correctional upper-management could answer the questions concerning victimization. When asked whether the amount of physical and /or sexual victimization was more or less for Native youth as compared to non-Native youth within the institution, 28.6% claimed 'more'

while 37.1% claimed 'equal'. Given that nearly one-third (34.3%) of the staff interviewed chose not to answer, a decision on rejecting or accepting the hypothesis concerning this question is premature.

When Native youth were asked about their victimization experiences, however, the results were once again disturbing. A large majority (64.4%) claimed they grew up in situations of family violence with three stating they do not know or can not remember. The type of victims of such violence are listed below in Table 6.1. Most admitted the violence was physical either during arguments or drinking binges. One fifth (20.0) stated the violence happened 'a lot' and they subsequently came to accept it as a way of life.

**Table 6.1: Victims of Domestic Physical Violence**

<b>PERSON</b>	<b>NUMBER</b>	<b>PERCENT</b>
myself	22	52.3
brother / sister	16	38.0
mother	14	33.3
grandparent(s)	3	2.3
other relatives	7	16.6

Though a less frequent form of violence, sexual victimization experiences were identified by 20.0% of the Native youth. Two stated they did not know



or could not remember. Eight of the nine victims answered the question regarding frequency of abuse though answers were too varied and produced no identifiable patterns.

**Table 6.2: Victims of Domestic Sexual Abuse**

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<u>PERSON</u>	<u>NUMBER</u>	<u>PERCENT</u>
myself	7	16.2
brother / sister	3	6.9
mother	1	2.3
foster sibling	2	4.6
foster mom	1	2.3

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Generally, the above hypothesis is not supported. According to most correctional upper-management, the social determinants of substance abuse and dysfunctional families were not more extensive in contributing to Native youth criminality compared to non-Natives. Unfortunately, the contribution of victimization was not available due to the low response rate. These findings tend to contradict the many assertions in the literature that quite strenuously state it is rather obvious to criminal justice officials that alcohol and the other above negative experiences affect Native peoples more so than non-Natives.

### **HYPOTHESIS #3**

*Corrections data gathered and utilized from pre-disposition reports and internal records accurately reflects the social and criminal circumstances of its imprisoned Native youth. This will be examined by comparing:*

*A. Correctional file data*

*B. Native youth interview responses*

Upon entering custody, a personal file for each youth is immediately created by correctional staff. Usually the intake officer will either create a new file or obtain the existing one and add to its contents, thereby ensuring that all updated information is available for each resident. By law, pre-disposition reports are to be included in youth case files as they contain essential information. Prepared usually by a probation officer or youth court worker, these reports are essential for court adjudication and correctional programming as they are supposed to be accurate depictions of the youth's past life.

With such importance resting upon pre-disposition reports and correctional file data, it is essential that these reports accurately reflect the youth's circumstances. The above hypothesis, then, attempts to examine this requirement by comparing file data information with Native youth responses.

### Alcohol Use

According to correctional file data, 62.2% of Native youth used or abused alcohol. Approximately one-quarter (24.4%) did not while eight personal files contained no pertinent information. When Native youth were asked about their alcohol use, a nearly similar percentage (60.0%) felt they had an alcohol problem while (40.0%) felt they did not.(4) On balance, Native youth responses and correctional file data were consistent indicating that Native youth did not lie during their interviews, and, existing file data accurately depicted Native youth problem profiles.

### Narcotic Use

Similarly, in the correctional file data, 60.0% of Native youth used narcotics regularly while 26.7% did not with six cases inconclusive. According to interviewed youth, 60.0% claimed to be regular narcotic users. Once again, the two sources of information were consistent.

One interesting finding produced by the data analysis was that alcohol and narcotic use were equivalent. However, when correctional senior management were asked about narcotic and alcohol use, they felt narcotics were used less frequently by Natives. Speculations why this

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4. Related to substance abuse, five Native youth (11.11%) were listed as chronic gas sniffers. During the interviews, three youth claimed they regularly sniffed gasoline. They said the 'high' was easy and cheap and it served a good alternative to alcohol or drugs. However, the side effects of such behaviour were noticeable. In one particular youth, he had an education level of grade three though he was eighteen. His speech was constantly slurred and his ability to carry a conversation and remain focused was extremely low. The effects of such abusive behaviour are obviously permanent brain damage.

occurred are that perhaps correctional upper-management were influenced by the literature which commonly states Native people are plagued with alcoholism and due to such factors as the availability of money and isolated living conditions, have yet to experience extensive drug use. However, in contrast to such literature, examinations of correctional file data and youth interviews proved this common assumption incorrect.

### Education Level

Education level appears to be one area where file data were not consistent with youth responses; education or grade levels were usually listed as higher than what the youth stated (see Table 7.1). However, this misinformation appeared to not negatively affect Native youth within the custodial centres since youth were placed in school programs designed to suit their individual needs. As previously mentioned, student to teacher ratios were extremely low which allowed for the studying of different subjects at differing grade levels.

**Table 7.1: Education Level of Native Youth**

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<b>FILE DATA</b>		<b>YOUTH RESPONSES</b>	
<b>grade</b>	<b>amount</b>	<b>grade</b>	<b>amount</b>
3	1	3	0
4	0	4	0
5	0	5	2
6	3	6	2
7	3	7	7
---	---	---	---
8	18	8	13
9	8	9	14
10	2	10	7
11	2	11	0
12	8	12	0
---	---	---	---
<b>Total:</b>	<b>38</b>		<b>34</b>

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**Place of Residence**

Place of residence was another area where the two sources of data were generally consistent. However, it was often hard to accurately depict all places of residence for incarcerated Native youth as many had exhausted the available resources. It appeared that those who were constantly in criminal trouble would move frequently or be 'kicked out' of their residences. In

more extreme cases, usually when sexual offences were involved, Native youth were not even welcome back to their home communities. The task of finding such individuals places to reside was difficult for case management co-ordinators but had to be done due to limited post-release resources.

During the interview process, Native youth were asked to list all places of residence they had lived. Correctional file data seemed to list only those places where extended periods of time were spent. However, both file data and youth interviews produced similar results within the categories of parents, grandparents and adopted parents; which are usually seen as being the appropriate environments for raising youths. (see Table 8.1). Differences do exist, however, concerning the categories of aunts / uncles, fosterparents and grouphomes.

**Table 8.1: Place of Residence for Native Youth**

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<b>FILE DATA</b>		<b>YOUTH RESPONSES</b>	
<b>place</b>	<b>amount</b>	<b>amount</b>	
parents	40	43	*
aunt / uncle	4	24	
grandparents	18	17	*
fosterparents	18	25	
group homes	5	15	
adopted parents	2	3	*
common law	0	2	
friends	2	23	
myself	0	3	
don't know	8	0	

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\* denotes consistency between sources

### **Physical and Sexual Abuse**

Physical abuse is one category where correctional file data and youth interviews differed. File data indicated that 26.7% of the Native youth had been physically abused, with an additional 15.6% cases unknown. However, twenty-nine (64.4%) youth stated they had lived in situations of physical violence with twenty-two (48.9%) claiming to receive the physical beatings.

Concerning sexual abuse, file data and youth responses were somewhat more consistent since approximately one-quarter (26.7%) were

listed as coming from situations of sexual abuse with five cases remaining unknown.(5) When youth were asked this question, 20.0% claimed they were sexually abused with two maintaining they did not know.(6) Of the nine who claimed sexual abuse, seven stated that the victims were themselves.

#### Place of Residence Consisting of Substance Abusers

As previously illustrated in the literature, many Native youth are raised in situations where adult substance abuse is present. According to correctional file data, 64.4% of incarcerated Native youth come from situations where they were raised by a substance abuser, though eleven cases remained uncertain. The interviewed youth, on the other hand, maintained that 71.1% of them had come from situations where one or more of the persons responsible for their upbringing had some form of substance abusive behaviour.

From the examination of correctional file data and Native youth responses, the above hypothesis was primarily supported. Information pertaining to alcohol and drug use, place of residence, sexual abuse and place of residence consisting of substance abusers was fairly consistent

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5. Asking about sexual abuse was a stressful task. The researcher had to gauge and determine the mental and emotional stability of the youth in order to pursue the question in any depth. At all times the youth had the right to not answer any questions and were reminded of the right if they seemed uncomfortable. Few chose to do this though as most were willing to openly discuss their case which can be seen as a bond of trust with the researcher.

6. There was always the possibility that youth lied during this question to avoid discomfort and embarrassment. In a few particular interviews, youth answered the question in the negative but alluded to being sexually abused several times over the course of the interview.



between the two sources. Despite incorrect assessments regarding levels of education and intensity of physical abuse, correctional file data, for the most part, accurately depicted several important aspects of Native youth social life. The partial confirmation of the hypothesis provided support for the reliability of Native youth responses during the interviews.

#### **HYPOTHESIS #4**

*Native youth and correctional upper-management disagree about how well Native youth adjust to their containment setting. This will be examined by contrasting:*

- A. The opinions of Native youth regarding how well they adjust to their containment setting*
- B. The opinions of correctional upper-management regarding how well Native youth adjust to their containment setting*

A paramount concern for correctional personnel is the adjustment of Native youth to their containment setting for if Native youth do not easily adjust to correctional lifestyles, then current programs and policies might have to be altered.

#### **Self-Harm**

Self-injurious behaviour is detrimental to both youth and the effective operation of custodial institutions. When asked if they had ever attempted self-harm while in custody, a small minority (13.3%) of youth claimed they had. Interestingly, twice this amount claimed to have attempted, or committed, acts of self-harm outside the institution. It appeared that while

in custody, the propensity to commit self-harm decreased. Nonetheless, 42.2% of the youth stated they thought about self-harm while in custody, usually city cells, though they rarely acted on these impulses. They replied that within custody, sufficient support mechanisms were available to overcome feelings of depression and hopelessness.

Several staff members claimed that self-harm was primarily cyclical. Within certain institutions, self-injurious behaviour seemed to occur depending on the particular group of youth and whether a contagious pattern emerged where a chain reaction of self-harm occurred. Furthermore, particular institutions seldom had self-harm problems until one youth arrived from a different institution where self-harm had presently been occurring. The propensity to commit self-harm, then, might have little to do with ethnicity, depression, or how well the institution treated youth, but rather, more whether the 'idea' spreads among the youth. If one youth committed self-harm and received special attention, then others appeared to follow in order to receive similar attention.

### Physical Confrontations

Physical confrontation among residents was behaviour not tolerated by correctional personnel. As with self-harm, fighting appeared to be cyclical, though to a somewhat lesser degree. Of the forty-five Native youth interviewed, twenty-eight (62.2%) claimed they had recently been in fights while at that institution. However, sixteen (35.6%) did not want to answer

the question. According to the majority of staff (74.3%), Native youth fought equally as much as non-Natives though five (14.3%) felt they fought 'more' while four (11.4%) said they fought 'less'. Staff commonly stated that Native youth were more likely to fight no matter how outmatched they were and they tended to 'stand up for themselves' and refused to be 'pushed around or heaved' more so than non-Natives.

### Community and Family Support

To further determine how well Native youth adjusted to their containment, questions were asked concerning family and community contacts. Approximately one-quarter (26.7%) of the youth claimed to have contact with a Native person other than family members. Surprisingly, though, almost every institution had a Native awareness program which was usually well attended; yet, very few youth considered this as contact with a Native representative though the people who taught such programs were usually community members. More youth seemed to classify their contact with Native court workers as community contact.

Asked if they would like increased communication with a Native representative from the community: 37.8% claimed they would; 20.0% were undecided; and, 42.2% said they would not. Common reasons for not wanting communication were the preference to 'do time' quietly and then go home. In addition, some youth felt they had disgraced their families while others felt the family and community caused their criminality. Further

pursuing the community contact issue, only one-fifth (20.0%) admitted to being knowledgeable about Native culture and did not feel the need for community contact. Most Native youth felt that their culture was interesting and they would like to learn more about it, but not at this particular point in their lives.

Concerning contact with family members, slightly more than one-half (53.3%) claimed to have had contact with their families once or twice a week. Such contact, when it happened, usually consisted of telephone calls and, for a limited few, written correspondence. However, most Native youth stated that they would like to have communicated more with their friends rather than family members.

When senior management were asked about Native youth family support, close to one-half (45.7%) claimed that Native families were more supportive than non-Natives upon release, while ten (28.6%) stated the proportion was equal. Only three staff members (8.6%) felt Native families were less supportive while twice this amount could not answer due to their limited knowledge and job description. Staff commonly stated that Native peoples appeared to have better extended family support systems since there always seemed to be someone willing to provide for a Native youth once released. Concerning family visits, staff generally felt Native youth received either the same, or less, visits than non-Native youths; however, this most

likely occurred because many Native families lacked the necessary funds to make the sometimes long journey to the institutions.

### Establishing Friendships

Almost two-thirds (64.4%) of the Native youth claimed they had friends from relationships outside the institution currently serving sentences with them; while sixty-two percent stated that there were other youths in the centre that they could consider 'good friends'. It appeared that the Native youth had sufficient quantities of friends (both Native and non-Native) within the institutions to assist in their adjustment to correctional living.

### Institutionalization

If Native youth felt that institutional life was desirable, custody could be an inappropriate experience, i.e., non-deterrent. Subsequently, the youth were asked whether they would return to another youth, or perhaps adult, custodial facility in the future. Thirty-nine (86.7%) felt they would not return to another youth centre while three (6.7%) felt they would. The remainder were undecided. Of the thirty-nine who claimed to not be returning, most cited either their age or the fact that they had now 'stopped' crime as being the determining factor. Asked whether they would be heading to adult prison, fifteen (33.3%) claimed they would while twenty-six (57.8%) stated they would not. Once again, those youth who claimed not to be going cited the fact that they had now 'stopped' their criminal behaviour. Of the fifteen Native youth who said they would be going to

adult prison, only two said it was due to being institutionalized. Most stated that they were not 'scared' of the adult system and they would continue their criminal behaviour once released for it was both profitable and enjoyable.

### Social Communication

According to the majority of staff, Native youth talked far less than their non-Native counterparts. However, this might not necessarily have been the result of depression or poor institutional adjustment. Rather, correctional staff felt Native youth were raised in a manner that required their trust in you before they would talk more openly. Concerning respectful behaviour, more than one-third (37.1%) of the staff felt Native youth were more respectful than non-Natives while the majority (57.1%) felt the proportion was equal. Only two individuals felt Natives were less respectful. However, it does not follow that because a youth is polite and respectful, they have adjusted well to the institution. The opposite might be occurring, i.e., the youth is so depressed, that they become apathetic and compliant. Staff members felt that this depended more upon each individual youth and could not be based primarily on ethnicity.

### Physical and Sexual Abuse

In terms of physical abuse within the institution, only one staff member believed that Native youth were more likely to become victims than non-Natives as approximately two-thirds (68.6%) felt there were no differences. The remainder (28.6%) stated that Native youth were less likely. As

mentioned previously, the abuses youth received from each other within institutions were not based solely on ethnicity, but had more to do with how the youth 'presented' and 'carried' themselves. In other words, usually the 'geeks' and 'losers' were abused while those capable of standing up for themselves and demanding respect were not.

Concerning sexual abuse, nearly all upper-management (88.6%) felt that the propensity for Native youth to be abused was equivalent to non-Natives. A minority (11.4%) actually viewed Native youth as less vulnerable. Most staff members claimed that there was very little sexual abuse at their institutions.(7) Interestingly, one staff member commented that in the infrequent incidents of sexual coercion that had occurred with Native youth being involved, they were usually the aggressors.

Generally, the adjustment hypothesis can be rejected. Both Native youth and senior management indicated that Native youth appeared to adjust well to correctional environments. To reiterate, Native youth indicated they had: committed fewer acts of self-harm while in custody compared to the community; fought neither more nor less than other youths; had sufficient amounts of friends within custody; and, received what they considered to be enough family and and community support. Correctional supervisory staff generally supported this. They viewed the

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7. Despite repeated claims that sexual coercion did not occur in youth corrections, the week the researcher was at one institution, two youths were caught in an incident. Furthermore, some case files referred to institutional sexual conduct.

propensity to commit self-harm and physical altercations as equivalent among the two groups of youth, and further, that Native youth appeared to have received more family support which assisted in containment adjustment. In addition, staff members stated that Native youth were generally 'better' residents since they were slightly more respectful and behaved more favourably than non-Natives. In fact, some staff claimed that in 'open' custodial work camps, they would much rather have a group of Native youths than non-Natives for the former tended to work harder and cause 'less problems'.

#### **ADDITIONAL CHARACTERISTICS OF INCARCERATED NATIVE YOUTH**

The age of first contact with police agencies is presented in Table 9.1. Approximately half (55.5%) of the incarcerated Native youth had their first contact prior to the age of twelve. Even more disturbing, nearly one-quarter (22.2%) had their first contact before the age of eight. It was not unusual, then, for most incarcerated Native youth to have a long history of police contact beginning at a disturbingly young age.



**Table 9.1: Age of Police Contact for Native Youth**

<b>AGE</b>	<b>FREQUENCY</b>	<b>PERCENT</b>	
5	2	4.4	
6	3	6.7	
7	5	11.1	
8	0	0	Subject to Provincial
9	8	17.8	Child Welfare
10	1	2.2	Legislation
11	6	13.3	
12	9	20.0	
13	3	6.7	
14	2	4.4	Subject to <i>Young</i>
15	3	6.7	<i>Offenders Act</i>
16	3	6.7	

The reaction of most Native youth families to contact with police agencies was one of anger. Over half the respondents (51.1%) stated that their families were 'mad' when they were brought home by the police which later resulted in "spankings", "beatings", "shouting and yelling", "tell them what prison was like", or getting "kicked" out of the house. In contrast to such physical punishments, some youth claimed their parents simply did

not care; they either laughed, or were too busy doing other things to be bothered.

It has been asserted that Native youth engage in criminal behaviour for numerous social and personal reasons (see, for example, Henley, 1987; Minore, 1989). However, according to the Native youth interviewed, the overwhelming reason was for simple pleasure. One-third (33.3%) claimed crime was fun. A minority (13.3%) specified that it was particularly fun to be chased by the police while over one-quarter (26.6%) explained that it was something to do when bored. As mentioned previously, two-thirds (66.6%) stated that alcohol and /or drugs caused their criminality while a majority (57.7%) also described peer pressure as a key motivating factor. Slightly less than one-half (48.8%) identified lack of money as the culprit.

An extremely interesting explanation of their crimes involved the view that criminal conduct can be learned from television. Approximately one-third (31.1%) of the Native youth stated that they contrived criminal schemes from ideas presented on television. The television offered an overview of the latest ideas and almost a 'guideline' on how to commit certain crimes. For example, the show *Crimestoppers* was a favourite for it demonstrated the latest methods of criminal conduct as well as offered an opportunity to see oneself on television. In contrast, learning criminality from family members was an infrequent response: only five

youth (11.1%) claimed they learned criminal conduct from either their father or cousins, while six (13.3%) felt that their 'bad family' situation was to blame.

Many youth (42.2%) maintained that they had either very little or no adult supervision growing up and they interpreted this as a sign that their parents cared little about them. It seems that indeed many Native youth came from troubled families which had an indirect, yet major impact on their criminal behaviour beyond what many of these youths identified in their statements. In effect, neglect or disinterest by parents was likely linked to boredom and anti-social or illegal responses to it.

Native youth were then asked what they think might stop future Native youth criminality. The most frequent response was 'not much': 13.3% asserted that it was entirely up to the individual to stop criminal behaviour; nearly one-fifth (22.2%) felt more recreational activities in the community would help; another one-fifth (22.2%) stated that better parents would solve the problem; and, one youth went to the extreme that Native people should simply stop having children and the problem would be instantly solved. Having no drugs or alcohol was cited by approximately one-quarter (24.4%) of the youths while having more money was seen as a solution for a minority (13.3%). Another minority (11.1%) claimed that more schooling was the answer as that translated into better jobs, more jobs and job skills training.

Native youth were also asked about how the police treated them. Generally, the responses were mixed. While nearly one-third (31.1%) claimed they had been treated either 'very good' or 'good', a similar proportion (28.89%) felt they had been treated either 'poor' or 'very poor'. The final one-third (31.1%) chose the 'average' category. In terms of why they had been treated either poorly or well, the most frequent response was receiving beatings by both the Vancouver City Police (22.2%) and R.C.M.P. (13.3%). Surprisingly, several youth who felt that the police did treat them well were ones who admitted to being beaten. They claimed that they deserved to be beaten because they were either "spaced out on drugs" or were initiating violent confrontations.

With recent demands and initiatives for the establishment of Native police forces, the youth were asked if they thought Native police officers would be 'better' than existing ones. The response was one of indecision with 48.9% feeling Native police officers would be better than existing ones while 51.1% felt they would not. The most common reasons given for apposing Native officers were that a "cop is a cop" and "cops will always be nice or mean no matter who wears the suit". For those who supported it, claims were made that Native police forces would be more advantageous as officers would understand Native youth better and may give them more 'breaks'. However, other youth felt that separate police forces

would fuel racism and some Native people might end up being treated worse by their 'own' than they already are by existing police forces.

Similarly, the idea of having more Native correctional officers was almost equally split among the Native youth. Nearly one-half (42.2%) claimed that it really did not matter to them who worked in the institution, while a slightly higher proportion (48.8%) believed that more Native personnel would simply be a good idea in terms of Native youth having a 'friend' or role model. Interestingly, only one-fifth (22.2%) felt that Native correctional workers would understand and relate to them better, yet, most felt they simply might be able to get more 'perks' out of a Native correctional officer.

When correctional upper-management were asked their opinions, almost all (94.3%) felt that an increase in the number of Native correctional officers would be beneficial. Many staff, however, were quick to add that an increase in any ethnic group of correctional officers would be beneficial yet singling out Native peoples was not necessarily sufficient. Furthermore, many staff felt that there would be problems attracting enough qualified individuals from the Native community. Of those who did gain employment in the past, many were seen as using corrections as a career stepping stone for "bigger and better jobs" in the criminal justice field since they eventually left youth corrections.

Finally, Native youth were asked about their views on being 'Native'. Most claimed to be proud of their Native heritage; 60.0% stated they were 'very proud' while 26.7% claimed to be 'moderately proud'. Only 6.7% claimed to be 'not very proud', one was 'not proud', and two were undecided. It is encouraging that the majority of Native youth within custody were proud of their heritage even though two-thirds (68.9%) maintained that they did not learn about their culture as young children. Of those who did, it was mostly their grandparents who instructed them. There is, therefore, a concern that the knowledge passed down inter-generationally could very much be in danger of being lost. Perhaps realizing this, more than one-half (53.3%) of the youth stated that they wanted to learn more about their culture before too much of it was lost. These attitudes should encourage correctional policies that focus on cultural education as a means of helping youth overcome their criminal behaviour for it could provide valuable support mechanism and instill personal worth and pride.

From the examination of the research hypotheses, numerous policy / program issues have become apparent. These issues highlight particular problems inherent in the present youth correctional system and by initially identifying them, potential solutions can begin to be formulated.

## **CHAPTER V**

### **POLICY IMPLICATIONS OF DATA FINDINGS**

The four hypotheses in this thesis involved several key policy issues. The differences in the perceptions of racist attitudes in youth containment centres are perhaps the most relative to current policy initiatives directed towards concerns about how Native youth react to custodial environments.

#### ***PERCEPTIONS OF RACIST ATTITUDES***

Both Native youth and correctional upper-management believed there were no overt racist attitudes among supervisory staff, program staff, volunteers or teachers. However, disagreement existed between the two concerning racist attitudes among non-Native youth and correctional line-staff.

The majority of Native youth interviewed (55.6%) characterized their relationships with non-Native youth as either 'very good' or 'good'. They claimed friendships and coalitions were forged among the institutional residents based upon the attributes of respect and status, not necessarily ethnic heritage. In contrast, however, nearly two-thirds of the upper-management (60.0%) asserted that racist attitudes existed among non-Native youth and that within the institutions a 'pecking order' was often established based primarily on a profile of individual characteristics

including respect, status and ethnicity. This disagreement and possible explanations for it will be explored shortly.

Concerning racist attitudes among correctional line-staff, Native youth overwhelmingly (70.0%) maintained this group treated them well. Not a single youth chose the 'poor' or 'very poor' category when describing their relationship with the line-staff. Line-staff members were commonly described as caring and generally making the effort to ensure equal treatment among all residents.

In contrast, correctional upper-management felt racist attitudes indeed existed among line-staff personnel. Almost two-thirds (60.0%) asserted that line-staff members possessed various forms of racist attitudes though most qualified this by stating the 'racism' was usually covert and involved harmless jokes or discussions. However, the majority of staff interviewed obviously believed this situation was predominant enough to warrant some policy concern. Given a zero-tolerance of racism within youth corrections, senior management are likely to feel it is their ultimate responsibility to recognize racism and take appropriate actions to stop it.

The disagreement exhibited between Native youth and upper-management raises numerous questions, the most important being why it occurred. Perhaps the negative American correctional experience regarding extensive racism among various ethnic groups which is taught in Canadian universities and reinforced through common media can explain its origin. It



might reflect a fundamental separation between non-unionized upper-management and unionized line-staff regarding their experiences with Native youth. Further still, possibly communication between the two levels of staffing is strained. Or finally, perhaps Native youth are an already disadvantaged group which only blatant racism is identified as the minimum criterion for defining racist situations. Obviously, much research is needed for exploring these possibilities; however, an initial examination can be presented.

In the American literature several key themes become apparent concerning racism within youth custody. The most important of these is whether aggression and racism are imported into custodial centres by residents and staff, or, whether 'secure' institutions facilitate aggressive, racist and /or violent behaviour (Menzies et-al., 1987). Proponents of the importation theory assert that an inverted social hierarchy of racial groups develops among residents which establishes a peer structure reinforced through aggressive behaviour (Menzies et al., 1987). Racial and /or ethnic minority group members outside of custody have low status relative to Caucasian ethnics. And the violence and aggressiveness that is contributed to this low status serves to alter the status once in custody. In effect, aggression creates high status in custody (Bartollas, Miller and Dinitz, 1975; Bartollas and Sieverdos, 1983; Thorton and Voight, 1992; Bartollas and Miller, 1994). Custodial institutions then do not necessarily breed

negative attitudes and behaviours, they only mirror in reverse the broader social context.

However, a second dominant theme is that youth custodial institutions create aggression in youth who otherwise would not be violent. It is this inherent coercive structure of relationships between staff and inmates which is adopted in inmate-to-inmate relationships that cause violence to become the norm (Bartollas and Miller, 1994).

According to another theory, coercion of other youths (mainly Whites) is premised on sexual and physical intimidation as gangs commonly found on the streets will re-group themselves within the institutions. Not only do the youths coerce through aggressive behaviour, so do the staff (Bartollas and Miller, 1994). Staff 'run' the centre through aggression and the perception of brute force and often 'turn a blind eye' to minor infractions by some 'powerful' youths and encourage their aggressive behaviour to assist in controlling the larger inmate population. Staff supposedly view aggression and violence as a necessary part of the punitive custodial experience that will deter recidivism.

A fourth theme permeating American research often cites race as one of the main determinants in aggressive behaviour (Yates, Butler and Crago, 1983, Krisberg and Austin, 1993). Explanations for the presence of racial cliques, gangs and sexual coercion in the chronic phase is that: "Whites hate and, when they are not organized to resist, fear Black

prisoners" (Irwin, 1980:184). Blacks are often cited as the main aggressors with Whites being the victims. Volatile ideas such as this are often reinforced through common media available to Canadians which depict American prisons as extremely violent and racially segregated. Many Canadians likely accept this view and in turn believe custodial institutions within Canada are the same. Support for this possibility was evident from the comment of one staff member who stated: "I don't want to erase the negative public perception of this institution. Kids see [it] as a big bad place which may help to deter their coming here".

A second possible perspective for the contradicting staff and youth responses is that there is a fundamental difference in philosophies between unionized and non-unionized employees. Presently, all line-level staff belong to the British Columbia Government Employees Union, while senior management are not unionized. This difference does constitute a fundamental separation. During the interviews, several staff members claimed that part of the problem when initiating change in their centre was the power of the union. They explained that certain line-level staff were more concerned with their union activities than helping the residents and performing their daily duties. A counter view of this conflict was evident among some line-level staff who claimed through informal discussions that most upper-management consisted of those individuals who "were not good

with youth" and were paradoxically promoted because of their educational or administrative advantages.

Another perspective involves communication problems as one of the major causes in straining relationships. Though senior management and line-staff work in close proximity, they may not always communicate effectively. It seemed that in the smaller institutions, the two levels of staff did communicate freely. This was most likely attributed to small administration buildings and the fact that all staff and youth eat their regular meals in a common dining hall. However, in the larger centres the separation between the two was more apparent. Though meals were usually eaten in the coffee room or while on shift, the large administrative buildings in some institutions were not conducive to the constant interaction of staff members.

Finally, a last perspective is supported by LaPrairie (1988) who illustrates how many Native youth are already socially disadvantaged. If Native youth do occupy such a position, then when subjected to subtle discriminatory treatment within youth corrections, they might not perceive this behaviour as racist since it might be substantially less racist than how they are treated in non-custodial settings.

Senior management also conveyed somewhat inconsistent responses concerning racism exhibited by non-Native residents. Initially, they claimed there were racist attitudes among non-Native youth, though

later most (77.1%) stated that overt racism was usually not evident among the youth population and how an individual was treated depended more upon respect and status. They further asserted that the few incidents involving racist statements usually occurred when a youth was upset and trying to initiate a physical confrontation. They also admitted that in the past there have been cases of outright racism, though such extreme episodes were infrequent in the current period.

There is no obvious method to choose among the competing perspectives; however, it seems that Native youth are in the best position to explain their own individual experiences – especially those youth who have been involved in corrections for lengthy periods of time. These individuals quite willingly stated that in the past, they had experienced racist behaviour from non-Native youths. They claimed that these were mainly isolated cases which involved an overtly racist person who hated not only Natives, but other ethnic groups as well. In cases such as this, the youth was either dealt with by correctional staff, which usually meant a transfer to another institution, or through a collective effort by numerous residents within the institution. However, when youth collectively decide to 'discipline' another resident the results were usually severe. Mild forms of punishment included: forcing the youth to break institutional rules causing reprimands by the staff; making the youth 'donate' canteen purchases; subjecting the youth to 'bed parties' where the individual was woken up during the night by

having a blanket thrown over their face while they received punches from numerous residents; and finally, administering 'beaters' where the youth could be severely beaten sometimes even resulting in hospitalization. It appears then, that racism may not permeate custodial institutions, but instead manifest itself in a few isolated situations which then might be vividly remembered by senior staff, thereby affecting their responses.

### ***DRUGS AND ALCOHOL***

A second policy issue concerns the programming youth received for drug and alcohol abuse. Within each institution, drug and alcohol awareness programs were attended by virtually all residents as they learned about the various side-effects of substance abuse as well as methods of avoiding or breaking their addictive behaviour. With nearly two-thirds (60.0%) of Native youth stating they had an alcohol and /or drug problem, the necessity of such programming seems essential. However, according to staff one of the greatest obstacles for any correctional treatment programming was obtaining youth co-operation. In effect, part of the efficiency of treatment is that it cannot be forced as the desire to change must come from the individual themselves. Realizing this, several staff members raised concerns that correctional programming was utilized by too many youth to 'fill time' rather than learn valuable skills. However, the overwhelming majority (77.1%) of staff felt youth did receive valuable

skills through programs. They believed that information was conveyed at an easily understood level and appropriately reinforced through repetition.

When Native youth were asked whether it was possible to learn from programs within a correctional environment, the vast majority claimed it was: 82.2% responded that they could learn either a 'great deal', 'quite a lot', or 'some'. They also rated the programs and almost all (91.1%) claimed they were either 'very good', 'good', or 'average'. The most common response was that they could learn new and interesting things in programs that would otherwise be unavailable outside the institution. It appears that the present practice of drug and alcohol awareness is effective and ought to continue as many Native youth believe it is a valuable experience.

#### ***THE PROPENSITY TO COMMIT SELF-HARM***

The third policy issue concerns self-injurious behaviour among Native youth. Cooper et al. (1991) indicated that self-harm practices were three and one-half times higher among Native males than non-Natives, however, the findings in this research revealed that the inclination for self-injurious behaviour decreased once Native youth were within a correctional facility. Why this occurred was not immediately evident in the responses of the youth.

Perhaps the propensity for self-harm decreased because the institution provided a structured caring environment which many Native youth had lacked. As previously described, life outside the custodial centre

for many Native youth was dysfunctional and abusive. Paradoxically, custodial centres might represent the type of structured environment that some Native youth sought. Almost half the interviewed youth (48.9%) stated that the people who were responsible for their upbringing were only moderately interested in their daily life events. In fact, some youth confided that when they attempted suicide, their parents did not care or deal with the behaviour. However, within custodial centres, staff members developed relationships with youths which were both supportive and caring. This then could be one possible reason why self-injurious behaviour among Native youth declined in custodial facilities.

Another possibility could be that all staff members continually communicated with the youths. Correctional upper-management often stated that each youth had a particular way of communicating and, if the staff member was patient enough, the youth would come to trust that person and communication lines between the two would eventually be established. To illustrate, some Native youth admitted that all they wanted growing up was to have someone to simply 'talk with'. They felt being denied this experience lead to their depressions which facilitated the onset of self-injurious behaviour. However, within a correctional centre there were numerous caring persons to talk with and feelings of depression were somewhat alleviated.



Though the custodial institution could provide a stable atmosphere, there is a negative aspect which must be addressed through policy initiatives. By providing both care and support, the possibility exists that some Native youth can become 'institutionalized', i.e., the custodial experience is not necessarily to be avoided, but in many ways seen as a positive option. A main policy initiative for youth corrections should involve the development of programs which provide care and stability in the community where the youth belongs. It is appropriate that this can begin through life skills programming where youth learn ways to control their anger, avoid substance abuse, and develop effective communication skills. These qualities, then, can assist them in school and with employment opportunities. Yet, such skills training should be more systematically provided without the risk of institutionalizing youth.

Such programs could include the expanded use of cultural awareness which could assist youth in realizing that crime and custodial institutions are damaging and degrading to oneself. In addition, providing a continuation of job skills training upon release could prolong the momentum to direct youth into meaningful employment and, in turn, avoid recidivating. Additionally, some youth suggested that the increased use of half-way houses and temporary absence passes would both help the re-integration process and assist in breaking the dependence and security of institutions.

Suggestions provided by staff included an increased reliance upon personal accountability within corrections which might decrease the willingness of youth to remain and /or return to custody. In addition, there was the suggestion that perhaps custodial facilities should be operated based more on a military 'boot camp' model. Presently, the state of California is developing and experimenting with such a model where specially designated facilities are operated in a manner where youth are in effect re-socialized through hard work and discipline (see, for example, Bottcher, 1993). While there is considerable controversy about the model, especially in the Canadian context, it might be pursued in the future as one of the potential policy options available for some Native youth who could benefit from this approach.

#### ***VIOLENT HOUSEHOLDS AND NATIVE YOUTH***

A fourth policy issue concerns the amount of physical violence Native youth experienced during their childhood. Almost two-thirds (64.4%) of the interviewed youth claimed to have been raised in violent households where victimization primarily involved either themselves, other siblings, or their mothers. Most institutions, consequently, have initiated programs that attempt to teach social and family skills. It was claimed that once the appropriate life-skills messages were conveyed and reinforced, youth often stated that they now realized in order to love someone, you do

not have to abuse them. Breaking this 'cycle' of abuse, then, is imperative and attempts have to be continued.

Howitt and Facer (1987) offer another potential strategy to assist physically abusive Native youth in overcoming their problems. They claimed that anger management programs, which are neither therapy nor counseling, can teach appropriate life skills training which can enable youth to identify anger inducing situations. Once learned, the youth can apply appropriate techniques of relaxation or avoidance to suppress potentially volatile situations. In effect, there appear to be several promising programs that youth corrections might consider regarding anger management instruction.

### ***SUBSTANCE ABUSIVE RESIDENCES***

The fifth policy issue concerns the high number of Native youth raised in homes with substance abusive adults. Seventy-one percent of the interviewed youth stated they were raised in homes where either their parents, grandparents, foster parents, adopted parents or step-parents had drug and /or alcoholic conditions. Remembering that 70.0% of Native youth admitted to having a drug and /or alcohol problem, questions must be raised as to how much the home environment influenced Native youth substance abusive behaviour. Shkilnyk (1985), Hamilton and Sinclair (1991), and Draper (1987) assert that Native communities are often plagued with high rates of alcohol consumption which is associated with sexual abuse, physical

abuse and violent deaths. Given these patterns and cause assertions, what is the role of youth corrections in this area?

Since current correctional programming can do little to alter the community and family living conditions of Native youth, efforts must be made to begin to equip youth with the necessary social skills to deal with adverse social conditions. This could include the expanded use of: drug and alcohol awareness; life skills training; school programs; and, anger management within a variety of correctional programs. In other words, it may be necessary to initiate programs which enable Native youth to live independent of dysfunctional families. Though the break-up of the family unit is often detrimental, in the cases of severe substance abusive and non-supportive homes, it might be in the youth's best interests to live independently (see Carasco, 1985). Such training seems particularly appropriate given that numerous incarcerated Native youth above the age of sixteen were planning not to return home when released. Therefore, equipping youth with more independent living skills appears to be imperative.

### ***NATIVE YOUTH AND EMPLOYMENT POTENTIAL***

Job skills training constitutes the sixth policy issue. When Native youth were asked whether the institution had helped to prepare them for living in the community, close to one-half (46.7%) responded that it had not. Some felt that though the institution had stopped their substance abuse

patterns, got them interested in school and taught them new and interesting hobbies, they claimed that such programs lacked in having any long-term impact. When asked what programming would be of value, the most common response given (60.0%) was more sports and community outings. This included more floor hockey, volleyball, basketball, swimming, camping, horseback riding and movie outings. Obviously these responses reflected the youthfulness of the residents. However, close to one-quarter (22.2%) felt that more job skills training would be beneficial.

In support of the youth views, several staff felt youth corrections should include more job skills training because they too believed that viable employment skills could be critical, upon release, to help stabilize Native youth and allow them to live independently. These staff commented that current programming was designed mainly to 'fill time' and offered little of real value. Some staff also related stories of how the institutional education program was not comprehensive enough and often failed to teach youth even the basics of reading and writing. In sharp contrast, however, other staff members were very proud of their educational programs and wanted them expanded. Since school programs were operated through local school boards, minor discrepancies in services existed which were unfortunately beyond the control of youth corrections.

## ***NATIVE CORRECTIONAL OFFICERS***

The seventh policy issue concerns ethnic minority hiring practices in youth corrections. With Native youth supposedly 'benefiting' from preferential hiring initiatives, correctional policy might be assisted by their opinions. Somewhat surprising, less than one-half (48.9%) wanted an increase in the present level of Native correctional officers. They commonly argued that more Native officers were necessary because only Native people can effectively relate and understand Native youth. However, those who did not want an increase (42.2%) felt that such hiring initiatives would foster increased racism and tension within the correctional system. In fact, a few youth went as far as to claim that they did not want to see any Native adults within youth corrections because it makes them feel they have 'shamed' their culture. Additionally, several youth stated that a correctional officer has a particular job to do and they will fulfill that role regardless of ethnicity. Remembering that Native youth were overwhelmingly satisfied with the performance of the line-staff, the need to have more Native correctional officers, though possibly more politically desired, was not viewed as critically necessary.

## ***HELPING NATIVE YOUTH FIND THEIR CULTURE***

The eighth policy issue relates to Native cultural awareness programs. Approximately one-half (53.3%) of the Native youth wanted to learn more about their Native culture. Presently, most institutions have

some arrangement for Native awareness programming. These initiatives were usually contracted through the local Native community and included Native self-pride and arts and crafts programs. However, in the past, some institutions have had problems securing reliable contracts primarily because the local Native communities were politically fractionalized. One suggestion made by Native youth and some staff was to increase the amount of temporary absences so youths could attend local cultural events such as sweat lodges or potlaches, thereby eliminating the sometimes unreliable process of community contracts.

Given youth corrections sensitivity towards this cultural awareness need, similar concerns should be considered for other cultural groups. While 82.9% of upper-management felt there should be more programs designed and implemented within corrections by the Native community, many were quick to cite that all cultural groups should have the opportunity to learn about their heritage. Stories were related how some non-Native youth, within certain institutions, were upset due to the amount of 'special recognition' and programming Native youth received. These feelings also occurred to a lesser degree among some staff members. The task confronting correctional programming, then, is to develop a balance between culturally specific programming, and the appearance of not favouring individual groups. Potential solutions include continuing to offer Native awareness programs that are available to all incarcerated youth, or,

offering cultural awareness programs which study numerous cultures with Native peoples being only one of many.

### ***INSTITUTIONAL FOOD AND CANTEEN SERVICES***

The present system of food services and canteen allocations constitutes the ninth policy issue. Concerning the quality of food, the majority of youth were satisfied as eleven (24.4%) stated it was 'good' while 28.8% classified it as 'okay'. In contrast, only 15.5% claimed the food was 'bad' while 6.6% felt it was 'very bad'. Negative responses by the youth included too 'greasy', not enough portions, and 'undercooked'. Again, despite these criticisms, the majority of youth were satisfied with the present food services and many felt it had improved over the years compared to their previous custodial terms.

Regarding the canteen, most youth were happy with its current operational procedure. However, additional items which were commonly desired included hairgel, vitamins, amino acids, soft drinks and more magazines. A few youth stated they would like to spend more money on the canteen though others claimed to never use it.

### ***THE NEED FOR POST-RELEASE CARE***

Staff desire for more case management co-ordination, post-release care and early support intervention constitutes the tenth policy issue. During their interviews, upper-management commonly argued that, though the mandate of youth custodial institutions does not extend directly to



community or post-release involvement, perhaps efforts should be made in that direction. Presently when youth are released from custody they are either 'handed over' to the care and control of probation officers or social services agencies. Youth can receive a small degree of post-release counseling or assistance while at the institution, but once they leave, the responsibility of youth corrections ceases. The question facing youth corrections is how much more involved should they become in the post-release care and control of Native youth?

Some staff members believed that only equipping Native youth with various social and educational skills did not fully assist them in functioning within society. They felt that a system of community support needed to be developed. A few institutional probation officers and case management co-ordinators related stories of individual youths who upon leaving the centre, constantly phoned and talked to various staff members in seeking advise for overcoming personal difficulties. Further to this, the necessity for community support initiatives was essential for those youth who were not welcome back to their home communities or had exhausted all other avenues of residency. The staff felt time and resource restrictions limited their ability to properly deal with such cases as 'delicate' negotiations were often needed.

It also became apparent from staff interviews that case management co-ordination was a much under-funded and under-staffed area

of youth corrections. Those staff members already working in this area often wanted to assist youth more, but were unable due to limitations incurred from demanding case loads. During the research project, these staff were the hardest to organize interview times with; however, they all generously donated time even though it undoubtedly caused time management problems later. Their efforts were appreciated.

### ***PROBLEMS OF OFFENDER CLASSIFICATION***

Concern among correctional upper-management regarding the present system of offender classification constitutes the eleventh policy issue. Under the YOA, the courts decide which custodial level a youth convicted of an offence will be placed. The two designation options are either 'closed' or 'open' custody. However, once within the correctional system, youth corrections officials have the discretion to place offenders in either an 'open' custody work camp, 'open' custodial facility, 'closed' custody work camp, or, 'closed' custodial facility. Concerning transfers between these custodial levels, only those youth in 'open' custody can be transferred to a 'secure' centre for a period not exceeding fifteen days for disciplinary reasons. No other transfers between 'open' and 'closed' custody can occur without formal consent by youth court judges. A common complaint among staff was that this system of classification was problematic for the courts could easily make a mistake in designating a youth's placement. In addition,

several staff members felt that they were the ones who best knew the youth and, therefore, should decide which level of incarceration was appropriate.

The sentiments of staff regarding this situation can best be illustrated by these comments:

**"I can transfer a youth to 'closed' custody for poor behaviour, but why can't I transfer a youth to 'open' custody for good behaviour?"**

**"The courts don't have the time or inclination to properly assess exactly what is best for the youth, I can do a better job because I work with them every day"**

**"We used to have this power [transferring power], why did they need to change it?"**

**"How can a judge know what goes on here, they never even come here to see what we do?"**

### ***STAFF TRAINING***

The twelfth policy issue relates to correctional upper-management's desire for additional training of staff concerning cultural awareness. As the ethnic proportions of British Columbia change, so do the ethnic proportions within youth corrections. Staff members overwhelmingly (82.9%) felt that additional training ought to be provided for dealing with culturally diverse youth; however, the format for implementation was something policy makers need to consider. While most staff wanted additional training, they were quick to qualify that such training should include other cultural groups besides Native Indians. Additionally, staff were undecided on how such training should occur. Close to one-half chose

the idea of courses taught through the Justice Institute, either during recruit training or through on-going training, while the other half felt courses and workshops in the community or institution would be more appropriate. Youth corrections needs to devise solutions for this if additional cultural training is to be successfully implemented.

Staff members also desired additional training on such topics as dealing with violent, mentally disturbed and fetal alcohol syndrome youths (FAS). They believed that today's young offenders exhibited an increase in these behaviours and that current training initiatives were somewhat inadequate. One staff member eloquently summarized this perspective with the statement, "Kids these days are less remorseful and overreact when you ask them to do something. It's as if they have more violent or mental problems". The problem of dealing with FAS was most commonly stated as in need of additional training as some staff felt they lacked the ability to effectively communicate with such youths. Furthermore, most upper-management (77.1%) stated that they had experienced FAS in youth, though some claimed they were not sure because they had no idea how to properly identify the condition. When asked whether FAS youths cause 'special problems', 60.0% responded they did. Based on this, it seems that youth corrections might need to devise an improved system of informing its staff members regarding various mental health issues.

Concerning the training issue further, some staff assumed the position that youth corrections should be separated from adult corrections in terms of training, procedure and policy development. Some advocated a separation from the Ministry of the Attorney General and a return to a separate ministry such as the Solicitor General. Additionally, the idea was forwarded by others that training for adult and youth corrections might need to be further separated at the Justice Institute; however, the present system of policy decision making and implementation seemed appropriate.

### ***INITIATING CHANGE***

The thirteenth and final policy issue relates to staff concerns that initiating change within youth corrections often was a difficult task. During the course of interviewing, senior management were asked if they agreed with the idea that initiating change was an easy endeavour. Slightly more than one-half (51.4%) agreed, while 45.7% disagreed (one staff member chose to remain ambivalent). Comments which captured staff feelings were:

**"In order to cause change, you have to cause a lot of heat"**

**"Line-level staff resistance to change causes all the problems"**

**"I'm constantly fighting with line-level staff in order to get them to change"**

**"Upper-management are very receptive to change"**

**"Other institutions have problems but we don't"**

With more than one-half of the upper-management claiming that initiating change was difficult, youth corrections might need to devise procedures to address this situation.

The problems of initiating change can not be blamed entirely on line-level or institutional staff opposition. Several upper-management claimed that they received little direction from the Corrections Branch in Victoria regarding the appropriate mandate of their institution as defined in the YOA. This relates to Corrado's (1992) claim that due to the YOA's reliance upon conflicting theoretical models of juvenile justice, the exact mandate for various youth justice agencies is uncertain. One staff member captured the essence of this argument when stating:

"As part of your research why don't you go ask \_\_\_\_\_ (Assistant Deputy Minister) why so many great ideas for new programs and procedures come down from Victoria and 'fizzle out'. Also, why do decisions from Victoria come down the chain of command with no explanation what so ever?"

Conversely, other senior management felt comfortable with their communication lines to Victoria and enjoyed the fact that they had some discretion as to what the mandate of their centre would be as well as its operational format. Despite the differing opinions, there appears a need for further developing a system of information and procedural implementation which might alleviate negative feelings among some staff members.

With the major policy / program issues presented, a final examination of possible social responses to preventing Native youth criminality can occur. The major theme explored in this section will be that both youth corrections and community initiatives, not minor alterations to the legislation, can assist in program development designed to help Native and non-Native youth.

## **CHAPTER VI**

### **CONCLUSION**

Since its inception, the YOA has come under increasing critical scrutiny with media portrayals of an unacceptable rise in youth crime. Several victim interest groups have arisen in responding to these perceived trends and typically demand that the federal government fundamentally reform the YOA concerning the criminal processing of young offenders. However, recent youth crime rate statistics do not support the view that youth crime is increasing at the alarming rate claimed (Markwart, 1992c). Adults continue to commit the vast majority of crimes while youths account for approximately twenty-five percent of all criminal activity recorded annually. As to be expected, property offences continue to dominate the youth crime portfolio at sixty percent while violent offences have risen marginally to fourteen percent (Consultation Paper, 1993).

Despite this data, interest groups continue to demand that the YOA be reformed, specifically, they argue that: the age requirements of the act are too high; violent youth should be treated routinely as adults; youth should assume increased responsibility for their actions at a younger age; and, the 'due process' requirements create opportunities for youth to take advantage of their 'technical rights'. Criticisms also stem from academics who feel the legislation is philosophically flawed due its reliance upon



conflicting theoretical models of youth justice and legal principles which create confusion for youth justice policy makers (Corrado et al, 1992).

Yet, in contrast, proponents of the YOA claim that the act affords flexibility to youth justice officials in dealing with the public's demand for various principles to be included in the law (Bala, 1992). Additionally, and contrary to public perception, youth are now required to assume increased responsibility for their actions as incarceration statistics indicate that more youth are placed in custody under the YOA than compared to the JDA (Markwart, 1992c).

Perhaps those most adversely affected by the YOA are Native youth. Within the province of British Columbia, for example, Native admissions to custodial centres are disproportionately high compared to non-Native admissions (Markwart, 1992c). It is still not evident whether Native youth disproportionately commit more crimes than non-Native youth, or whether there is a biased attitude within the youth justice system. However, upon initial examination of the latter possibility, it was found that the youth justice personnel within containment centres appear not to hold racially biased attitudes. Native youth also exhibited specific social characteristics which are attributed to their criminality, yet it is problematic whether the YOA youth justice system adequately deals with these problems. Numerous Native youth, for example, were found to come from dysfunctional family situations and exhibited a history of substance abusive behaviour. In

addition, a vast majority of incarcerated Native youth were victims of physical, sexual and emotional abuse which potentially contributed to their dysfunctional behaviour.

Based upon data gathered through interviewing incarcerated Native youth and correctional upper-management in British Columbia's youth containment centres, restructuring or simply altering the YOA is not going to eradicate Native youth criminality. The underlying social and personal problems are simply too great. It appears the most effective manner for assisting both Native and non-Native youth is through inter-ministerial co-operation and links to the community. This includes all levels of government, social services agencies, educational institutions, interest and lobby groups as well as criminal justice agencies (Consultation Paper, 1993; Smith, 1993).

## **CRIME PREVENTION**

Effective crime prevention is a multi-level procedure which involves the co-operation of numerous criminal justice organizations whose ultimate goal is to assist troubled youth from becoming delinquent. In the research conducted for this thesis, both Native youth and correctional upper-management repeatedly stated that early intervention and improved community care must be made available. Since crime can never be completely eradicated, the problem facing such an initiative is deciding how to process those Native youth who do offend, and how to stop their

re-offending. With correctional agencies being the final sentencing option available to the courts, they can only assist in a portion of this rehabilitative stage, just as the YOA can only be held responsible for a portion of the youth crime problem.

### ***EARLY INTERVENTION***

The first step in effective crime prevention is early intervention. Therefore, the current process of early intervention is in need of improvement. It was evident from this research and literature reviews that Native youth criminal behaviour was often associated with dysfunctional social environments dating back to early childhood experiences (see LaPrairie, 1988; Minore, 1989). Of the forty-five interviewed youth, less than 7% came from what could be considered a non-dysfunctional family. In addition, 40% claimed to experience their first contact with the criminal justice system before the age of ten. These findings illustrate that if initiatives were established to divert Native youth from criminal tendencies upon initial police contact, many Native youth could potentially be diverted from the negative experiences of criminal stigmatization and community removal.

### ***FAMILY INFLUENCES***

The second process of crime prevention involves the influences of the family. Often seen as one of the determining causes for criminal behaviour, efforts need to be derived which assist Native youth with their

adverse family environments. In this research project, seventy-one percent of the interviewed youth claimed to have lived in families which were plagued by substance abuse. In addition, almost two-thirds (65%) maintained they lived in situations of physical abuse while a further 20.0% argued they grew up victims of sexual abuse. If such statements are accurate, the repeated claims by correctional staff that early intervention through family assistance is necessary should be seriously considered.

Numerous Native youth also related that as young children they received little parental supervision and often had no one to 'talk with' which contributed to their feelings of depression and being unloved. Similarly, a portion of those Native youth who were raised as wards of Social Services and Housing harboured resentful feelings for being taken away from their families and being placed in foster home situations. Quite obviously, stability and love are qualities that many Native youth seek. The task confronting crime prevention strategies then, is somehow to develop a system which assists Native youth in abusive or dysfunctional family environments, but, also controls the detrimental practice of repeatedly transferring youth from one foster home to another.

Incarcerated Native youth also claimed to learn criminal behaviour through family members. Though most learned from their peers, a considerable number admitted that uncles, fathers, siblings and cousins provided the impetus to their early criminal dealings. Though the family can

obviously operate as a negative influence upon Native youth, it can also function in a positive role as a powerful healer and support mechanism (Carasco, 1985; Smith, 1993). In light of this, the need for early family intervention and support seems imperative.

### ***PEER RELATIONS***

As with most youth, peer relations were extremely important to incarcerated Native youth. They admitted that much of their criminal behaviour was related to either peer pressure or peer acceptance. With the power of peer relations being so tantamount, crime prevention efforts need to target the influences of peers as a means of assisting Native youth in overcoming potentially harmful relations. This includes the necessity of teaching effective social skills to help Native youth deal with peers and make decisions which benefit themselves and not 'the group'.

### ***EDUCATION***

Throughout this research, correctional upper-management repeatedly claimed that providing youth with proper education was perhaps one of the best methods for dealing with criminal behaviour. Citing the fact that many youth come to the institutions having performed miserably within the public school system, once within corrections, they often exhibited new confidence and self-esteem when they experienced 'success' in the institutional schooling system. It seems that feelings of self-worth and self-pride can be bolstered through proper education; therefore, all youth need

some form of counseling or other techniques that encourage them to stay in school. Dropping out often leads to a decrease in time management which arguably contributes to youth crime. If youth have nothing to do, which many Native youth claimed was a problem, they may turn to criminal behaviour simply as a means of excitement.

Native youth also exhibited an interest in practical education such as job skills training. These requests can be accommodated both within youth corrections and the community through employment readiness programs. Here, Native youth can chose which employment options they would like to pursue and then receive the appropriate education. These initiatives can equip youth with the necessary employment skills while also providing potential resources for their home communities.

### ***COMMUNITY ENHANCEMENT***

The fifth crime prevention strategy involves community enhancement. The power of the community must never be underestimated in both determining and overcoming Native youth crime. As previously explained, many Native youth are raised in communities which are socially underdeveloped and offer little employment opportunities (see, for example, LaPrairie, 1988). For example, in 1990 /91, 20.1% of all housing for on reserve Natives throughout Canada did not have adequate sewage disposal. Furthermore, in the same time period, 9.4% of all Native households throughout Canada did not have adequate water supply. These data

represent vast improvements compared to 1977 /78 when the statistics illustrated that 52.6% of households had no sewage disposal and 46.7% had no adequate water supply. Arguments throughout the literature that many Native people live in almost 'third world' conditions seem supported. In terms of employment, in 1986 only 49.8% of all Native people over the age of fifteen living on reserves in British Columbia were in the labour force. These disturbing statistics validate the arguments that many Native youth face employment hardships and the ease of acquiring money and goods through criminal behaviour seems possible (DIAND, 1992).

For Native youth to overcome such social hardships they need to have a feeling of control over their lives (Henley, 1987). This applies to their family situation as well as the community. Native youth need to be taught, through education, that goals they often think are unattainable can be achieved. Furthermore, if the community begins the long process of self-betterment, those youth who reside in that community will begin to receive adult support and encouragement which is essential for success (Smith, 1993). As the images of their communities change, so might the attitudes of the youth.

### ***ALTERNATIVE MEASURES***

Perhaps one of the readily available means of helping to control Native youth delinquency is community-based alternatives. Section 4 of the YOA details criteria for considering youth for alternative measures

programs. Section 4 clearly states that a young person alleged to have committed a criminal offence can proceed to an alternative measures program which is authorized by the Attorney General only if:

1. the program is appropriate to the youth and regards their needs and the interest of society
2. the youth fully agrees to participate in the program
3. the youth accepts responsibility for the alleged offence
4. the youth is fully aware of their legal rights and before entering the program has conferred with counsel

Though the legislation offers little in the way of guidance as to how programs ought to be created and whether they should be designed to benefit the youth or protect society, it does afford the opportunity for Native groups to establish self-justice ideals through crime prevention initiatives.

The establishment of alternative measures programs may help Native youth overcome their criminal behaviour for it can address problems at the community level while allowing the youth to remain in the community setting. In so doing, communal cohesion may be enhanced as the community, victim and offender will be forced to reach some level of reconciliation. Alternative measures programs may also help to assist in the reduction of the often detrimental process of removing Native youth from their homes. If effective early intervention alternative measures programs are based within the community, then various social and criminal justice



service agencies may not become extensively involved in the processing of Native youth. For example, first time offenders can receive diversion administered through community councils. If more comprehensive alternative measures programs are created, more serious young offenders can begin to receive appropriate counseling and skills training necessary to help them overcome criminal behaviour at a younger age. In the cases of repeat offenders, stricter alternative measures programs may be needed which still provide a high degree of supervision, but operate at a lesser cost than traditional custodial centres and avoid the effects of stigmatization. For those youths who need to be removed from the community, the existing criminal justice system options can be used, i.e., custody.

Alternative measures programs may also achieve the legislative requirement of instilling more offender accountability. Since offending Native youth will remain within their home communities, they will be forced to reach some level of reconciliation with their victims which may otherwise be non-existent in the custodial situation. Those youth may be forced to perform community service, repair any damages, provide monetary compensation or submit formal apologies. Under the present system of adjudication these alternatives exist, though through alternative measures programs their use and intended effect can be greatly expanded.

## **PREVENTING RECIDIVISM**

The prevention of future offending will always be an underlying goal of any youth justice system. Presently, youth corrections attempts to curb recidivism through life skills training, drug and alcohol counseling and educational programming. However, according to the vast majority of correctional upper-management interviewed, the best means of curbing recidivism may be through increased efforts in post-release care and community intervention initiatives. Therefore, the vast amount of monies currently poured into youth custody might be better served if redirected into community initiatives.

One of the more significant findings in this thesis research is that Native youth adjusted well to their custodial experiences. They appeared not to have been subject to severe levels of racism within custodial institutions and felt both comfortable and safe living in these facilities. However, the question still remains whether Native youth learn from their custodial dispositions and benefit from the various correctional programs designed to assist their dysfunctional behaviours. Based on the amount of previous court appearances and correctional visits, this appears not to be happening. In fact, Native youth appeared to function well within correctional settings but failed miserably when released into the community. Simple alterations like increased Crime Control Model punishments to the YOA then will likely do little then to reduce recidivism. If anything, such

initiatives will put even more Native youth in custody, a place where they have little problem functioning effectively. The real challenge is to assist these youth in functioning effectively within their home communities, thereby potentially avoiding criminalization.

When attempting to control Native youth criminality, efforts at crime prevention should be conducted which utilize the resources of all criminal justice and social service agencies. Such group initiatives include a mandate to address early intervention, proper job skills training and education, appropriate recreational activities, strong community cohesion and community-based alternative measures programs. Simply changing the YOA in hopes that it will address youth crime through more punitive efforts does not appear to be the answer. However, the legislation may need to be revamped to reflect one particular model of youth justice so professionals within the youth justice arena will have cohesive directives which can be followed. Only when such fundamental alterations occur to the legislation or effective community-based co-operative initiatives are developed will the criminal justice system be able to effectively address the encompassing problems facing British Columbia's Native young offenders. Though not necessarily a 'distinct' group within youth custody, Native offenders possess different social and personal qualities which need to be accommodated in the long process of offender betterment and decreased recidivism.

## APPENDIX A: NATIVE YOUTH INTERVIEWS

1 - 9	1 - 60	Gender
institution	interview #	M/F
[ ]	[ ]	[ ]
Date [ ] [ ] [ ]		

### PRESENT LIFE WITHIN THE INSTITUTIONS

1. What kind of daily schedule do you have in here?
2. What programs do you participate in?
3. How much contact do you presently have with a Native representative such as ...?  
An Elder  
Your community  
Any other
4. Would you like to communicate regularly with anyone in the Native community?  
yes      no      undecided  
[ ]      [ ]      [ ]  
If yes, who would that be?
5. How much contact do you have with family members while in here?
6. How much contact do you presently have with your friends who are not in here?

7. Are any of your friends from the outside in here with you?

yes      no      don't know  
[ ]      [ ]      [ ]

8. Is there anyone in here you would consider a good friend?

yes      no      undecided  
[ ]      [ ]      [ ]

9. Do you experience what you would call racism within this institution?

yes      no      undecided  
[ ]      [ ]      [ ]

If yes, describe the circumstances

10. Generally, how do the non-Native youths treat you?

11. How would you rate your relationship with the non-Native youths here?

very good      good      average      poor      very poor  
[ ]      [ ]      [ ]      [ ]      [ ]

12. Is there problems in here between Native youths from different bands?

yes      no      don't know  
[ ]      [ ]      [ ]

If yes, how severe is this tension?

If yes, how common is this tension?

13. How often do you think about self-harm while in here?

very often      often      sometimes      not often      never  
[ ]      [ ]      [ ]      [ ]      [ ]

14. Have you ever attempted to harm yourself while in custody?

yes no

[ ] [ ]

Outside of custody?

yes no

[ ] [ ]

15. When you think about self-harm, do you talk to someone about it?

always

often

sometimes

not often

never

[ ]

[ ]

[ ]

[ ]

[ ]

Who is this person?

16. How's the food in here?

17. How's the canteen?

### ADAPTABILITY WITHIN THE INSTITUTION

18. Have you been in any fights while in here?

yes no

[ ] [ ]

If yes, how many?

Describe why?

\*\*\*19. Please list how the various correctional staff treat you?

Case manager:

very well

well

average

poorly

very poorly

[ ]

[ ]

[ ]

[ ]

[ ]

Correctional Line Staff:

very well

well

average

poorly

very poorly

[ ]

[ ]

[ ]

[ ]

[ ]

Correctional Supervisory Staff: very well well average poorly very poorly  
[ ] [ ] [ ] [ ] [ ]

Teachers: very well well average poorly very poorly  
[ ] [ ] [ ] [ ] [ ]

Program Staff: very well well average poorly very poorly  
[ ] [ ] [ ] [ ] [ ]

20. In what ways would you like the people who work here to treat you differently?

21. Has this institution helped to prepare you for living on the 'outside'?

very well prepared well prepared somewhat prepared poorly prepared completely unprepared  
[ ] [ ] [ ] [ ] [ ]

22. Do you think you will return to another youth institution before you become an adult?

yes no don't know  
[ ] [ ] [ ]

23. Do you think you will end up in adult prison one day?

yes no don't know  
[ ] [ ] [ ]

24. Have any of the other youths victimized you in here?

yes no  
[ ] [ ]

<b>Was it physical assaults?</b>	<b>yes</b>	<b>no</b>
	[ ]	[ ]
<b>Was it sexual assaults?</b>	<b>yes</b>	<b>no</b>
	[ ]	[ ]
<b>Was it verbal abuse?</b>	<b>yes</b>	<b>no</b>
	[ ]	[ ]

**25. Do / have you reported any cases of victimization?**

<b>yes</b>	<b>no</b>
[ ]	[ ]

If no, why not?

If yes, how did the staff respond?

### **PROGRAMS WITHIN THE INSTITUTION**

**26. Do you wish there were more programs in here?**

<b>yes</b>	<b>no</b>	<b>don't know</b>
[ ]	[ ]	[ ]

**27. Overall, how good are programs for you?**

<b>very good</b>	<b>good</b>	<b>average</b>	<b>poor</b>	<b>very poor</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**28. What new or different programs would be good in here for you?**

**29. Of the existing programs, which ones do you like the most?**



**30. Should there be more Native teachers instructing in the various programs?**

yes            no            don't know  
[ ]            [ ]            [ ]

**31. Do you wish there were more Native oriented programs in here?**

yes            no            don't know  
[ ]            [ ]            [ ]

**32. Do you think other Native youths would participate in Native oriented programs?**

yes            no            don't know  
[ ]            [ ]            [ ]

**33. Should there be more programs which help you with the transition to life outside here?**

yes            no            don't know  
[ ]            [ ]            [ ]

**34. How much can you actually learn from the various programs within this place?**

a great deal            quite a lot            some            little            very little  
[ ]            [ ]            [ ]            [ ]            [ ]

**USE / ABUSE OF DRUGS AND / OR ALCOHOL**

**35. Would you consider yourself as having an alcohol problem before you came here?**

yes            no            don't know  
[ ]            [ ]            [ ]

36. Did alcohol contribute to your getting into trouble ... ?

At home:    yes        no        don't know  
                 [ ]        [ ]        [ ]

At school:    yes        no        don't know  
                 [ ]        [ ]        [ ]

With the police:    yes        no        don't know  
                 [ ]        [ ]        [ ]

Any other? (explain)

37. Will you use alcohol when your released?

yes        no        don't know  
[ ]        [ ]        [ ]

38. Would you consider yourself as having a drug problem before you came here?

yes        no        don't know  
[ ]        [ ]        [ ]

Explain - What kind of drugs?

39. Did drugs contribute to your getting into trouble ...?

At home:    yes        no        don't know  
                 [ ]        [ ]        [ ]

At school:    yes        no        don't know  
                 [ ]        [ ]        [ ]

**With the police:**    yes        no        don't know  
                          [ ]        [ ]        [ ]

**Any other ? (explain)**

**40. Will you use drugs when your released?**

          yes        no        don't know  
          [ ]        [ ]        [ ]

**41. Do you use alcohol in here now?**

          yes        no  
          [ ]        [ ]

**Why - Frequency?**

**42. Do other youths use alcohol in here?**

          yes        no  
          [ ]        [ ]

**43. Do you use drugs in here now?**

          yes        no  
          [ ]        [ ]

**Why - Frequency?**

**44. Do other youths use drugs in here?**

          yes        no  
          [ ]        [ ]

**What kinds - Frequency?**

**45. Which is used more, drugs or alcohol?**

## **EDUCATION (WITHIN OR OUTSIDE)**

### **Public School**

46. What was the highest grade in school that you completed before being admitted?

47. Did you enjoy school before you came to this institution?

strongly enjoyed      enjoyed      average      disliked      strongly disliked  
[ ]                      [ ]                      [ ]                      [ ]                      [ ]

48. Did you learn anything useful in public school?

a great deal              quite a lot              some              little              very little  
[ ]                              [ ]                              [ ]                              [ ]                              [ ]

49. Did you ever experience racism from teachers or classmates while in school outside of this institution?

always              often              sometimes              not often              never  
[ ]                      [ ]                      [ ]                      [ ]                      [ ]

### **Institutional School**

50. Do you attend school programs in here?

yes              no              not presently  
[ ]                      [ ]                      [ ]

51. How good are the teachers in here?

very good              good              average              poor              very poor  
[ ]                              [ ]                              [ ]                              [ ]                              [ ]

52. How do the teachers treat you in here?

very well

well

average

poorly

very poorly

[ ]

[ ]

[ ]

[ ]

[ ]

53. What new or different school programs would you like to be taught here?

54. Would you ever want to go to university or college?

yes

no

don't know

[ ]

[ ]

[ ]

If yes, for what?

55. Would you ever want to go to trades school?

yes

no

don't know

[ ]

[ ]

[ ]

If yes, for what?

56. Have you ever been identified as having a learning difficulty?

yes

no

don't know

[ ]

[ ]

[ ]

By whom?

## CONTACT WITH THE CRIMINAL JUSTICE SYSTEM

57. When did you first come into contact with the CJS?

58. How did your family react once you started to get into trouble?

59. Why did you get into trouble?

- friends?

- family?
- media?
- alcohol / drugs?
- other ?

60. How would you describe your contact with the police?

61. Do you think the police treated you differently because your Native?

yes	no	don't know
[ ]	[ ]	[ ]

62. Did you have a lawyer represent you in court before you came here?

yes	no
[ ]	[ ]

Was it a non-Native lawyer?

yes	no
[ ]	[ ]

Was your lawyer concerned with your life history or your personal problems?

yes	no
[ ]	[ ]

Did your lawyer follow your wishes about how to plead?

yes	no
[ ]	[ ]

**Do you think that your lawyer treated you differently because you are Native?**

yes	no	don't know
[ ]	[ ]	[ ]

**63. Do you think that your judge was a 'fair and understanding' person in your case(s) regarding your verdict and sentence?**

yes	no	don't know
[ ]	[ ]	[ ]

**64. Did your judge mention or take special note of your culture when sentencing?**

yes	no	don't know
[ ]	[ ]	[ ]

**65. Have you ever had a probation officer?**

yes	no
[ ]	[ ]

**If yes, how many?**

**Did the P.O. help you?**

very helpful	helpful	average	unhelpful	very unhelpful
[ ]	[ ]	[ ]	[ ]	[ ]

**66. Have you ever had a social worker?**

yes	no
[ ]	[ ]

**If yes, how many?**

**Did the S.W. help you?**

**very helpful**

**helpful**

**average**

**unhelpful**

**very unhelpful**

[ ]

[ ]

[ ]

[ ]

[ ]

## **HOME LIFE**

**67. In what area did you spend most of your childhood growing up?**

- city

- on reserve

- small town

- other

**68. Where does your immediate family live now?**

**69. Tick off all those who you have lived with.**

[ ] parent(s)

[ ] grandparent(s)

[ ] aunt(s) and/or uncle(s)

[ ] adopted parents

[ ] brothers, sisters

[ ] foster parents

[ ] other

**70. Who did you live with the most?**

**71. Who was mostly responsible for your upbringing?**



**72. Are the people responsible for your upbringing together as a family now?**

**yes            no            don't know**  
**[ ]            [ ]            [ ]**

**73. Have you ever lived in a place where there was violence going on?**

**yes            no            don't know**  
**[ ]            [ ]            [ ]**

**If yes, tick off who the victims were:**

- [ ]    yourself**
- [ ]    brothers, sisters**
- [ ]    mother**
- [ ]    father**
- [ ]    grandparent(s)**
- [ ]    other relative(s)**
- [ ]    other (explain)**

**74. Describe the amount and type of physical violence**

**75. Have you ever lived in a place where there was sexual abuse going on?**

**yes            no            don't know**  
**[ ]            [ ]            [ ]**

**If yes, tick off who the victims were:**

- [ ]    yourself**
- [ ]    brothers, sisters**
- [ ]    mother**
- [ ]    father**
- [ ]    grandparent(s)**
- [ ]    other relative(s)**
- [ ]    other (explain)**

76. Describe how often this abuse occurred

77. Did anyone who was responsible for your upbringing have a drug or alcohol problem?

<b>Drugs:</b>	yes	no	don't know
	[ ]	[ ]	[ ]
<b>Alcohol:</b>	yes	no	don't know
	[ ]	[ ]	[ ]

### LIFE AS A CHILD

78. How much adult supervision did you experience as a young child?

alot	fair amount	very little	none
[ ]	[ ]	[ ]	[ ]

79. Do you have mainly happy memories of childhood?

yes	no
[ ]	[ ]

80. Do you have mainly sad memories of childhood?

yes	no
[ ]	[ ]

81. Did the people who raise you take an interest in your childhood?

strongly interested	moderately interested	not very interested	no interest
[ ]	[ ]	[ ]	[ ]

82. Did those who were responsible for your upbringing insist upon you going to school?

yes            no            don't know  
[ ]            [ ]            [ ]

83. When you were in your first few years of school, did you have strict rules as to bed times and homework, etc?

yes            no            don't know  
[ ]            [ ]            [ ]

84. If yes, how strict were these rules?

[ ] very strict  
[ ] moderately strict  
[ ] not strict

85. When you became a teenager, did you have strict rules imposed upon you concerning bedtime, school work, etc.

yes            no            don't know  
[ ]            [ ]            [ ]

86. How strict were these rules?

[ ] very strict  
[ ] moderately strict  
[ ] not strict

87. What were your favourite things to do as a teenager?

88. Did anyone teach you about your Native culture as a child?

yes            no            don't know  
[ ]            [ ]            [ ]

If yes, who?

If no, would you like to have been?

89. Were you proud to be a Native as a young child?

very proud	moderately proud	not very proud	not proud
[ ]	[ ]	[ ]	[ ]

90. Are you proud to be a Native now?

very proud	moderately proud	not very proud	not proud
[ ]	[ ]	[ ]	[ ]

### PERCEPTIONS OF THE CRIMINAL JUSTICE SYSTEM

91. Can the CJS, the way it is set up now, help Native youths who are in trouble?

yes	no	don't know
[ ]	[ ]	[ ]

92. What can stop Native kids from getting into trouble with the law?

93. Can a place like this stop you from committing crime when you get out?

yes	no	don't know
[ ]	[ ]	[ ]

94. Have you learned anything positive or helpful while being in here?

alot	fair amount	very little	none
[ ]	[ ]	[ ]	[ ]

If yes, what?

95. Should the CJS have solely Native institutions run and staffed by only Natives?

yes            no            don't know  
[ ]            [ ]            [ ]

96. Would you like to see more Native's working in this institution?

yes            no            don't know  
[ ]            [ ]            [ ]

If yes, at what level?

97. What is your view of the police?

98. Do you think more Native police officers would make any difference for you or other Native people?

yes            no            don't know  
[ ]            [ ]            [ ]

99. What is your view of Crown Council?

100. Would you like to see more traditional Native means of achieving 'justice' in the CJS?

yes            no            don't know  
[ ]            [ ]            [ ]

### **FUTURE GOALS UPON RELEASE**

101. What would you like to do as a career once you leave here?

**102. What are you probably going to do as a career once you leave here?**

**103. Where would you like to live once you leave here?**

**104. Where are you probably going to live when you leave here?**

**105. What would stop you from achieving any of your future goals or ideas?**

# APPENDIX B: CORRECTIONAL SENIOR MANAGEMENT INTERVIEWS

1 - 9                      1 - 60                      Gender  
institution              interview #              M/F  
[ ]                      [ ]                      [ ]  
Date [ ] [ ] [ ]

## PERSONAL PROFILE

1. How long have you been working at this institution?

2. What is your present title?

3. Have you held any other positions within this institution?

yes              no  
[ ]              [ ]

4. Did you hold any other youth related jobs before becoming involved in youth corrections?

yes              no  
[ ]              [ ]

If yes, what were they?

5. Why did you become involved in youth corrections?

6. Overall, how much do you enjoy your current position?

strongly enjoy              enjoy              ambivalent              dislike              strongly dislike  
[ ]                      [ ]                      [ ]                      [ ]                      [ ]

**7. Have you ever received any specific training regarding Native youth?**

yes            no  
[ ]            [ ]

**If yes, describe**

**If no, should there be?**

**8. Do you get frustrated at times and feel that you are not 'getting through' t  
to Native youths more so than compared to non-Native youths?**

very often            often            sometimes            not often            rarely  
[ ]            [ ]            [ ]            [ ]            [ ]

**9. How do you relieve the stresses of your job?**

**10. Do you feel that youth corrections has a positive or negative effect upon  
Native youth as compared to non-Native youth?**

strongly positive            positive            no effect            negative            strongly negative  
[ ]            [ ]            [ ]            [ ]            [ ]

### **PRESENT LIFE WITHIN THE INSTITUTION**

**11. How much contact do you generally have with Native youth families  
during your daily job duties?**

great amount            moderate amount            some            rarely            never  
[ ]            [ ]            [ ]            [ ]            [ ]

**12. Do Native youth generally have more or less family visits than non-  
Native youth?**

more            equal            less            don't know  
[ ]            [ ]            [ ]            [ ]



13. How much do you agree with the idea that there are racist attitudes towards Native youth within these areas of corrections?

Line Staff: strongly agree    agree    ambivalent    disagree    strongly disagree  
                  [ ]            [ ]            [ ]            [ ]            [ ]

Program Staff: strongly agree    agree    ambivalent    disagree    strongly disagree  
                  [ ]            [ ]            [ ]            [ ]            [ ]

Upper Management: strongly agree    agree    ambivalent    disagree    strongly disagree  
                                  [ ]            [ ]            [ ]            [ ]            [ ]

Non-Native youth: strongly agree    agree    ambivalent    disagree    strongly disagree  
                                  [ ]            [ ]            [ ]            [ ]            [ ]

Volunteers: strongly agree    agree    ambivalent    disagree    strongly disagree  
                  [ ]            [ ]            [ ]            [ ]            [ ]

14. How do non-Native youth generally treat Native youth?

15. Are there tensions between Native youth from different bands?

yes            no            don't know  
[ ]            [ ]            [ ]

If yes, how severe?

16. Compared to non-Native youth, do you have more or less of a problem with Native youth inflicting self-harm?

more            equal            less            don't know  
[ ]            [ ]            [ ]            [ ]

17. Compared to non-Native youth, do Native youth talk more or less about their personal problems?

more	equal	less	don't know
[ ]	[ ]	[ ]	[ ]

18. Does this institution have a Native elder program?

yes	no	don't know
[ ]	[ ]	[ ]

Does / would an elder make a positive impact?

### ADAPTABILITY WITHIN THE INSTITUTION

19. Generally, how do older (15 years and up) reserve based Native youth adjust to the institution compared to their non-Native counterparts?

very well	well	no difference	poorly	very poorly	don't know
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

20. Generally, how do older (15 years and up) non-reserve Native youth adjust to the institution compared to their non-Native counterparts?

very well	well	no difference	poorly	very poorly	don't know
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

21. Generally, how do younger (below age 15) reserve-based Native youth adjust to the institution compared to their non-Native counterparts?

very well	well	no difference	poorly	very poorly	don't know
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

22. Generally, how do younger (below age 15) ~~non-reserve~~ Native youth adjust to the institution compared to their non-Native counterparts?

very well	well	no difference	poorly	very poorly	don't know
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

23. Compared to non-Native youth, are Native youth more or less respectful towards correctional staff?

more	equal	less	don't know
[ ]	[ ]	[ ]	[ ]

24. Compared to non-Native youth, do Native youth fight more or less while in here?

more	equal	less	don't know
[ ]	[ ]	[ ]	[ ]

25. Compared to non-Native youth, do Native youth abuse more or less alcohol and /or drugs while in this institution?

more	equal	less	don't know
[ ]	[ ]	[ ]	[ ]

26. How much do you agree with the idea that Native youth simply 'do their time quietly' and wait for the day when they leave?

strongly agree	agree	ambivalent	disagree	strongly disagree
[ ]	[ ]	[ ]	[ ]	[ ]

27. How much do you agree with the idea that this institution teaches Native youths something that they can later utilize in their lives?

strongly agree	agree	ambivalent	disagree	strongly disagree
[ ]	[ ]	[ ]	[ ]	[ ]

**28. Do Native youth tend to mainly associate with other Native youth while here?**

<b>most do</b>	<b>some do</b>	<b>few do</b>	<b>don't know</b>
[ ]	[ ]	[ ]	[ ]

**29. Compared to non-Native youth, are Native youth more or less likely to be physically abused by other youths while in here?**

<b>more</b>	<b>equal</b>	<b>less</b>	<b>don't know</b>
[ ]	[ ]	[ ]	[ ]

**30. Compared to non-Native youth, are Native youth more or less likely to be sexually exploited by other youths while in here?**

<b>more</b>	<b>equal</b>	<b>less</b>	<b>don't know</b>
[ ]	[ ]	[ ]	[ ]

**31. Do Native youth generally report any kinds of incidents of abuse?**

<b>yes</b>	<b>no</b>	<b>don't know</b>
[ ]	[ ]	[ ]

**32. Is there a trend in the activities most Native youth undertake while in here?**

**33. Do you have a noticeable number of Native youth from one area or community constantly showing up in here?**

<b>yes</b>	<b>no</b>	<b>don't know</b>
[ ]	[ ]	[ ]

**34. How frequently do any Native youths speak their traditional language while in this institution?**

<b>very often</b>	<b>often</b>	<b>sometimes</b>	<b>rarely</b>	<b>very rarely</b>
<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>

### **PROGRAMS WITHIN THE INSTITUTION**

**35. Overall, how successful are Native youth in the various programs compared to non-Native youth?**

<b>very successful</b>	<b>successful</b>	<b>no difference</b>	<b>unsuccessful</b>	<b>very unsuccessful</b>
<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>

**36. Which voluntary program(s) attract the most Native youth?**

**37. Generally, in which programs are Native youth successful?**

**Explain why**

**38. Generally, in which programs are Native youth unsuccessful?**

**Explain why**

**39. Are there any programs here offered for Native youth specifically?**

<b>yes</b>	<b>no</b>	<b>don't know</b>
<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>

**If yes, what are they?**

**40. How much do you agree with the idea that there should be more programs specific to Native youth and their problems?**

<b>strongly agree</b>	<b>agree</b>	<b>ambivalent</b>	<b>disagree</b>	<b>strongly disagree</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**41. Should there be more programs Native designed and implemented within this institution?**

<b>yes</b>	<b>no</b>	<b>ambivalent</b>
[ ]	[ ]	[ ]

### **USE / ABUSE OF DRUGS AND / OR ALCOHOL**

**42. Comparing non-Native and Native youth within this institution, is alcohol more or less of an important factor in Native youth criminality?**

<b>more</b>	<b>equal</b>	<b>less</b>	<b>don't know</b>
[ ]	[ ]	[ ]	[ ]

**43. How much do you agree with the idea that if alcohol consumption were curbed, Native youth criminality would decline?**

<b>strongly agree</b>	<b>agree</b>	<b>ambivalent</b>	<b>disagree</b>	<b>strongly disagree</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**44. Why do you think Native youths consume alcohol outside of the institution?**

**45. Have you come across many Fetal Alcohol Syndrome Natives in here?**

<b>yes</b>	<b>no</b>	<b>don't know</b>
[ ]	[ ]	[ ]

**46. If yes, does this create a special problem as far as corrections is concerned?**

<b>yes</b>	<b>no</b>	<b>don't know</b>
<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>

**46. Comparing non-Native and Native youth within this institution, are drugs more or less of an important factor in Native youth criminality?**

<b>more</b>	<b>equal</b>	<b>less</b>	<b>don't know</b>
<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>

**47. How much do you agree with the idea that if drug use were curbed, Native youth criminality would decline?**

<b>strongly agree</b>	<b>agree</b>	<b>ambivalent</b>	<b>disagree</b>	<b>strongly disagree</b>
<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>

**48. Why do you think Native youths consume drugs outside of the institution?**

## **EDUCATION**

**49. How much do you agree with the idea that the teachers within this institution are aware and sensitive to the various ethnic differences found among the youth population?**

<b>strongly agree</b>	<b>agree</b>	<b>ambivalent</b>	<b>disagree</b>	<b>strongly disagree</b>
<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>

**50. How well do you feel that the teachers here relate to Native youth?**

<b>very well</b>	<b>well</b>	<b>average</b>	<b>unsatisfactorily</b>	<b>very unsatisfactorily</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**51. How well do Native youth behave in class compared to non-Native youth?**

<b>very well</b>	<b>well</b>	<b>no difference</b>	<b>poorly</b>	<b>very poorly</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**52. Have you noticed any trends among Native youth from particular areas regarding educational levels or willingness to learn?**

<b>yes</b>	<b>no</b>	<b>don't know</b>
[ ]	[ ]	[ ]

**If yes, explain**

**53. Do a noticeable amount of Native youth have learning problems as compared to non-Native youth?**

<b>yes</b>	<b>no</b>	<b>don't know</b>
[ ]	[ ]	[ ]

**If yes, explain**

**54. How are learning problems tackled here?**

## **HOME LIFE**

**55. Are the Native youth here more or less likely to come from troubled families as compared to non-Native youth.**

<b>more</b>	<b>equal</b>	<b>less</b>	<b>don't know</b>
[ ]	[ ]	[ ]	[ ]



**56. Are the Native youth here more or less likely to talk about their family and family life as compared to non-Native youth.**

<b>more</b>	<b>equal</b>	<b>less</b>	<b>don't know</b>
[ ]	[ ]	[ ]	[ ]

**57. Compared to the non-Native youth here, does the home life play more or less of an important factor in Native youth criminality.**

<b>more</b>	<b>equal</b>	<b>less</b>	<b>don't know</b>
[ ]	[ ]	[ ]	[ ]

**58. How much do you agree with the idea that most of the Native youth in here are victims of physical violence during their upbringing?**

<b>strongly agree</b>	<b>agree</b>	<b>ambivalent</b>	<b>disagree</b>	<b>strongly disagree</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**59. How much do you agree with the idea that most of the Native youth in here are victims of sexual abuse during their upbringing?**

<b>strongly agree</b>	<b>agree</b>	<b>ambivalent</b>	<b>disagree</b>	<b>strongly disagree</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**60. Compared to the non-Native youth here, is the amount of sexual and /or physical victimization during upbringing more or less for Native youth?**

<b>more</b>	<b>equal</b>	<b>less</b>	<b>don't know</b>
[ ]	[ ]	[ ]	[ ]

## PERCEPTIONS OF THE CRIMINAL JUSTICE SYSTEM

61. How much do you agree with the idea that the present justice system is effectively addressing Native youth criminality?

strongly agree	agree	ambivalent	disagree	strongly disagree
[ ]	[ ]	[ ]	[ ]	[ ]

62. How much do you agree with the idea that Native youths are over-represented within the correctional population?

strongly agree	agree	ambivalent	disagree	strongly disagree
[ ]	[ ]	[ ]	[ ]	[ ]

63. How much do you agree with the idea that Native youth criminality is a concern within corrections?

strongly agree	agree	ambivalent	disagree	strongly disagree
[ ]	[ ]	[ ]	[ ]	[ ]

64. How much do you agree with the idea that it is easy to implement new programs or ideas within this institution?

strongly agree	agree	ambivalent	disagree	strongly disagree
[ ]	[ ]	[ ]	[ ]	[ ]

65. How much do you agree with the idea that the Native community should have more input into the Criminal Justice System's handling of its youths?

strongly agree	agree	ambivalent	disagree	strongly disagree
[ ]	[ ]	[ ]	[ ]	[ ]

**66. How much do you agree with the idea that Native self-jurisdiction over the administration of Native young offenders would be a more advantageous manner of dealing with Native youth?**

**strongly agree      agree      ambivalent      disagree      strongly disagree**  
**[ ]                    [ ]                    [ ]                    [ ]                    [ ]**

**67. Should there be an increase in the amount of Native correctional workers within this institutions to deal with its Native population?**

**How necessary is this idea?**

**68. Please check the appropriate box which best describes whether the goal of this institution is one of punishment or rehabilitation.**

- [ ] strictly punishment**
- [ ] moderately punishment**
- [ ] punishment**
- [ ] equal balance**
- [ ] rehabilitation**
- [ ] moderately rehabilitation**
- [ ] strictly rehabilitation**

**69. What should the goal of this institution be and why?**

### **FUTURE GOALS UPON RELEASE**

**70. Compared to non-Native youth, do Native youth generally express more or less future goals upon release?**

**more                    equal                    less                    don't know**  
**[ ]                    [ ]                    [ ]                    [ ]**

**71. Compared to non-Native youth, do Native youth on the average  
recidivate more or less upon their release?**

<b>more</b>	<b>equal</b>	<b>less</b>	<b>don't know</b>
[ ]	[ ]	[ ]	[ ]

**72. How much do you agree with the idea that this institution is enough of a  
deterrent to discourage recidivism in Native youth?**

<b>strongly agree</b>	<b>agree</b>	<b>ambivalent</b>	<b>disagree</b>	<b>strongly disagree</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**73. Where do most Native youths generally go upon release?**

**74. Compared to non-Native youth, are Native youth families generally  
more or less supportive upon release?**

<b>more</b>	<b>equal</b>	<b>less</b>	<b>don't know</b>
[ ]	[ ]	[ ]	[ ]

## APPENDIX C: PROGRAM DIRECTOR INTERVIEW

1 - 9 institution [ ]	1 - 10 interview # [ ]	Gender M/F [ ]
Date	[ ] [ ] [ ]	

### PERSONAL PROFILE

1. How long have you been working at this institution?

2. Have you held any other positions within this institution?

yes	no
[ ]	[ ]

3. Did you hold any other youth related jobs before becoming involved in corrections?

yes	no
[ ]	[ ]

4. Why did you accept the position of program director?

5. Overall, how much do you enjoy your current position?

strongly enjoy	enjoy	ambivalent	dislike	strongly dislike
[ ]	[ ]	[ ]	[ ]	[ ]

6. Have you ever received any specific training regarding Native youth?

yes	no
[ ]	[ ]

If yes, describe

If no, should there be?

## INSTITUTIONAL SETTING

7. Generally, how do older (15 years and up) reserve based Native youth adjust to the institution compared to their non-Native counterparts?

very well	well	no difference	poorly	very poorly	don't know
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

8. Generally, how do older (15 years and up) non-reserve Native youth adjust to the institution compared to their non-Native counterparts?

very well	well	no difference	poorly	very poorly	don't know
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

9. Generally, how do younger (below age 15) reserve based Native youth adjust to the institution compared to their non-Native counterparts?

very well	well	no difference	poorly	very poorly	don't know
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

10. Generally, how do younger (below age 15) non-reserve Native youth adjust to the institution compared to their non-Native counterparts?

very well	well	no difference	poorly	very poorly	don't know
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

**11. How frequently do you hear Native youths speak their traditional language while in this institution?**

<b>very often</b>	<b>often</b>	<b>sometimes</b>	<b>rarely</b>	<b>very rarely</b>
<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>

**12. Are there staff members or volunteers within this institution who can speak any Native languages?**

<b>yes</b>	<b>no</b>	<b>don't know</b>
<b>[ ]</b>	<b>[ ]</b>	<b>[ ]</b>

**If yes, who?**

**13. Please fill in the names of the various programs offered within this institution under the appropriate category.**

**Treatment**

**Educational**

**Trades**

**Work**

**Sports / Recreational**

**Personal**

**Other**

**14. Which are the most successful and why?**

15. Which are the most attended and why?

16. Overall, how successful are Native youth in the programs compared to non-Native youth?

very successful	successful	no difference	unsuccessful	very unsuccessful
[ ]	[ ]	[ ]	[ ]	[ ]

17. Generally, in which programs are Native youth successful?

18. Generally, in which programs are Native youth unsuccessful?

19. Do any programs offered specifically prepare Native youth for re-integration back into their various communities upon release?

yes	no	don't know
[ ]	[ ]	[ ]

20. Do any programs offered specifically prepare Native youth for re-integration back into mainstream Canadian society upon release?

yes	no	don't know
[ ]	[ ]	[ ]

21. Should there be more programs which deal with the unique social situation (eg. social problems) of some Native youth?

yes	no	don't know
[ ]	[ ]	[ ]



**22. Do you operate any programs which are specifically Native oriented?**

<b>yes</b>	<b>no</b>	<b>don't know</b>
[ ]	[ ]	[ ]

**If no, why?**

**23. How much do you agree with the idea that there should be more programs specific to Native youth and their problems?**

<b>strongly agree</b>	<b>agree</b>	<b>ambivalent</b>	<b>disagree</b>	<b>strongly disagree</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**24. How much do you agree with the idea that there should be more Native persons teaching programs within this institution?**

<b>strongly agree</b>	<b>agree</b>	<b>ambivalent</b>	<b>disagree</b>	<b>strongly disagree</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**25. Should there be more programs Native designed and implemented within this institution?**

<b>yes</b>	<b>no</b>	<b>ambivalent</b>
[ ]	[ ]	[ ]

**26. Should there be an increase in the amount of Native correctional workers within this institutions to deal with its Native population?**

<b>yes</b>	<b>no</b>	<b>ambivalent</b>
[ ]	[ ]	[ ]

**27. Is there a Native elder or representative who visits the Native youths here?**

<b>yes</b>	<b>no</b>	<b>don't know</b>
[ ]	[ ]	[ ]

**If yes, how effective is this person and why?**

**If no, should there be one?**

**28. How much do you agree with the idea that Native youth can learn from the various programs within this environment?**

<b>strongly agree</b>	<b>agree</b>	<b>ambivalent</b>	<b>disagree</b>	<b>strongly disagree</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**29. Do you feel that Native youths simply 'do their time' and wait to be released, or do they gain something while in here?**

**30. How much do you agree with the idea that the focus of youth corrections should be more punitive?**

<b>strongly agree</b>	<b>agree</b>	<b>ambivalent</b>	<b>disagree</b>	<b>strongly disagree</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**31. How much do you agree with the idea that the focus of youth corrections should be more program oriented?**

<b>strongly agree</b>	<b>agree</b>	<b>ambivalent</b>	<b>disagree</b>	<b>strongly disagree</b>
[ ]	[ ]	[ ]	[ ]	[ ]

**32. Please check the appropriate box which best describes whether the goal of this institution is one of punishment or rehabilitation.**

- strictly punishment**
- moderately punishment**
- punishment**
- equal balance**
- rehabilitation**
- moderately rehabilitation**
- strictly rehabilitation**

**33. What should the goal of this institution be and why?**

## APPENDIX D: YOUTH FILE DATA CODING

Name: \_\_\_\_\_ Place of Birth: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_  
Gender: \_\_\_\_\_ CS#: \_\_\_\_\_  
Racial Appearance: \_\_\_\_\_ Language: \_\_\_\_\_  
Education (outside): \_\_\_\_\_ Education (inside): \_\_\_\_\_  
Occupation: \_\_\_\_\_ Religion: \_\_\_\_\_  
Marital Status: \_\_\_\_\_ Status: \_\_\_\_\_  
Security Alerts (latest): \_\_\_\_\_ Medical Alerts: \_\_\_\_\_  
# of ID cards: \_\_\_\_\_

### CASE MANAGEMENT REPORT (LATEST)

yes no

School Performance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Programs Involved In: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Summary Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### OUTSIDE REPORTS OR RECOMMENDATIONS:

yes no

Names: \_\_\_\_\_

Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**INJURY REPORTS:**

yes no

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Description: \_\_\_\_\_  
Causes: \_\_\_\_\_  
Recomm: \_\_\_\_\_

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Description: \_\_\_\_\_  
Causes: \_\_\_\_\_  
Recomm: \_\_\_\_\_

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Description: \_\_\_\_\_  
Causes: \_\_\_\_\_  
Recomm: \_\_\_\_\_

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Description: \_\_\_\_\_  
Causes: \_\_\_\_\_  
Recomm: \_\_\_\_\_

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Description: \_\_\_\_\_  
Causes: \_\_\_\_\_  
Recomm: \_\_\_\_\_

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Description: \_\_\_\_\_  
Causes: \_\_\_\_\_  
Recomm: \_\_\_\_\_

**DAMAGE REPORTS:**

yes no

Date: \_\_\_\_\_  
Description: \_\_\_\_\_  
Causes: \_\_\_\_\_  
Payment: \_\_\_\_\_

Date: \_\_\_\_\_  
Description: \_\_\_\_\_  
Causes: \_\_\_\_\_  
Payment: \_\_\_\_\_

Date: \_\_\_\_\_  
Description: \_\_\_\_\_  
Causes: \_\_\_\_\_  
Payment: \_\_\_\_\_

Date: \_\_\_\_\_  
Description: \_\_\_\_\_  
Causes: \_\_\_\_\_  
Payment: \_\_\_\_\_

**OUTSIDE P.O. REPORTS:**

yes no

Dates: \_\_\_\_\_

Dates: \_\_\_\_\_

Review Dates: \_\_\_\_\_

Review Dates: \_\_\_\_\_

Recommendations: \_\_\_\_\_

Recommendations: \_\_\_\_\_

Dates: \_\_\_\_\_

Dates: \_\_\_\_\_

Review Dates: \_\_\_\_\_

Review Dates: \_\_\_\_\_

Recommendations: \_\_\_\_\_

Recommendations: \_\_\_\_\_

**PRE-DISPOSITION REPORT(LATEST):**

yes no

Date: \_\_\_\_\_

Court: \_\_\_\_\_

Age: \_\_\_\_\_

Offence: \_\_\_\_\_

Remand Status: \_\_\_\_\_

Personal History: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Educational History: \_\_\_\_\_

\_\_\_\_\_

Physical & Mental Health: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Alcohol / Drugs: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<b>Court History:</b>	<b>Date</b>	<b>Offence</b>	<b>Status</b>	<b>Location</b>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____
11.	_____	_____	_____	_____
12.	_____	_____	_____	_____
13.	_____	_____	_____	_____
14.	_____	_____	_____	_____
15.	_____	_____	_____	_____
16.	_____	_____	_____	_____
17.	_____	_____	_____	_____
18.	_____	_____	_____	_____
19.	_____	_____	_____	_____
20.	_____	_____	_____	_____

**CLASSIFICATION / RECLASSIFICATION  
WORKSHEET(LATEST)**

yes no

**Background:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Offence:** \_\_\_\_\_

**Special Concerns:** \_\_\_\_\_

**Psychologists Comment:** \_\_\_\_\_

**Overview:** \_\_\_\_\_  
 \_\_\_\_\_

# IF NO PRE-DISPOSITION REPORT – YOUTH CUSTODY REPORT

Date: \_\_\_\_\_ Expiry Date: \_\_\_\_\_ Discharge Date: \_\_\_\_\_  
Review Date: \_\_\_\_\_ Total Days: \_\_\_\_\_ Effective Date: \_\_\_\_\_  
Offence(s): \_\_\_\_\_  
Fines: \_\_\_\_\_ Counts: \_\_\_\_\_ Location: \_\_\_\_\_  
AWOL Days: \_\_\_\_\_

Date: \_\_\_\_\_ Expiry Date: \_\_\_\_\_ Discharge Date: \_\_\_\_\_  
Review Date: \_\_\_\_\_ Total Days: \_\_\_\_\_ Effective Date: \_\_\_\_\_  
Offence(s): \_\_\_\_\_  
Fines: \_\_\_\_\_ Counts: \_\_\_\_\_ Location: \_\_\_\_\_  
AWOL Days: \_\_\_\_\_

Date: \_\_\_\_\_ Expiry Date: \_\_\_\_\_ Discharge Date: \_\_\_\_\_  
Review Date: \_\_\_\_\_ Total Days: \_\_\_\_\_ Effective Date: \_\_\_\_\_  
Offence(s): \_\_\_\_\_  
Fines: \_\_\_\_\_ Counts: \_\_\_\_\_ Location: \_\_\_\_\_  
AWOL Days: \_\_\_\_\_

Date: \_\_\_\_\_ Expiry Date: \_\_\_\_\_ Discharge Date: \_\_\_\_\_  
Review Date: \_\_\_\_\_ Total Days: \_\_\_\_\_ Effective Date: \_\_\_\_\_  
Offence(s): \_\_\_\_\_  
Fines: \_\_\_\_\_ Counts: \_\_\_\_\_ Location: \_\_\_\_\_  
AWOL Days: \_\_\_\_\_

Date: \_\_\_\_\_ Expiry Date: \_\_\_\_\_ Discharge Date: \_\_\_\_\_  
Review Date: \_\_\_\_\_ Total Days: \_\_\_\_\_ Effective Date: \_\_\_\_\_  
Offence(s): \_\_\_\_\_  
Fines: \_\_\_\_\_ Counts: \_\_\_\_\_ Location: \_\_\_\_\_  
AWOL Days: \_\_\_\_\_



**GENERAL COMMENTS:**

**Early Release Requests:**    **yes**    **no**    **amount:** \_\_\_\_\_

<b>reasons:</b> _____	<b>Outcomes:</b> _____
<b>reasons:</b> _____	<b>Outcomes:</b> _____
<b>reasons:</b> _____	<b>Outcomes:</b> _____
<b>reasons:</b> _____	<b>Outcomes:</b> _____
<b>reasons:</b> _____	<b>Outcomes:</b> _____
<b>reasons:</b> _____	<b>Outcomes:</b> _____

**Incident Reports:**    **yes**    **no**    **amount:** \_\_\_\_\_

**General Nature:** \_\_\_\_\_

**General Recommendations:** \_\_\_\_\_

**Increase in severity or amount:**    **yes**    **no**    **don't know**

**Condition of File:**

- excellent
- good
- average
- poor
- very poor

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