

Université de Montréal

Minors followed under the Youth Protection and Young Offenders Acts.

by

Lyndee Michaelson

École de Criminologie

Faculté des arts et des sciences

Mémoire présenté à la Faculté des études supérieures

En vue de l'obtention du grade de Maîtrise

en criminologie

Avril 2006

©Lyndee Michaelson, 2006.



Direction des bibliothèques

AVIS

L'auteur a autorisé l'Université de Montréal à reproduire et diffuser, en totalité ou en partie, par quelque moyen que ce soit et sur quelque support que ce soit, et exclusivement à des fins non lucratives d'enseignement et de recherche, des copies de ce mémoire ou de cette thèse.

L'auteur et les coauteurs le cas échéant conservent la propriété du droit d'auteur et des droits moraux qui protègent ce document. Ni la thèse ou le mémoire, ni des extraits substantiels de ce document, ne doivent être imprimés ou autrement reproduits sans l'autorisation de l'auteur.

Afin de se conformer à la Loi canadienne sur la protection des renseignements personnels, quelques formulaires secondaires, coordonnées ou signatures intégrées au texte ont pu être enlevés de ce document. Bien que cela ait pu affecter la pagination, il n'y a aucun contenu manquant.

NOTICE

The author of this thesis or dissertation has granted a nonexclusive license allowing Université de Montréal to reproduce and publish the document, in part or in whole, and in any format, solely for noncommercial educational and research purposes.

The author and co-authors if applicable retain copyright ownership and moral rights in this document. Neither the whole thesis or dissertation, nor substantial extracts from it, may be printed or otherwise reproduced without the author's permission.

In compliance with the Canadian Privacy Act some supporting forms, contact information or signatures may have been removed from the document. While this may affect the document page count, it does not represent any loss of content from the document.

Université de Montréal
Faculté des études supérieures

Ce mémoire intitulé:

Minors followed under the Youth Protection and Young Offenders Acts

présenté par :

Lyndee Michaelson

a été évalué par un jury composé des personnes suivantes :

.....**Marie-Marthe Cousineau**.....
président-rapporteur

.....**Jean Trépanier**.....
directeur de recherche

.....**Suzanne Gagnon**.....
membre du jury

Résumé

La présente étude explore la situation de jeunes suivis simultanément ou consécutivement par le département de la protection de la jeunesse et par les services aux jeunes contrevenants des Centres de la Jeunesse et de la Famille Batshaw, ainsi que des interventions dont ils sont l'objet. Dans un contexte où le même Centre Jeunesse est responsable d'offrir des services et de prendre en charge tant les jeunes sous la loi fédérale des jeunes contrevenants que ceux sous la loi provinciale de la protection de la jeunesse, quel est le rationnel justifiant l'application de ces deux lois à un même jeune? Qui sont ces jeunes qui génèrent l'application des deux lois, et quelle est leur situation? De plus, quelles sont les interventions effectuées dans de tels cas? Afin d'explorer ces questions, 84 dossiers ont été analysés de manière quantitative et qualitative. Dans l'ensemble, nous avons constaté que les jeunes auxquels on applique les deux lois affichent des troubles de comportements sérieux et commettent des infractions à un âge relativement jeune. Plusieurs proviennent de familles éclatées et leur père est souvent absent de leur vie. Les jeunes de cette étude affichent des problèmes d'apprentissage et font souvent usage de drogue ou d'alcool. Ils sont l'objet d'interventions multiples et à long terme. Les mesures volontaires ou imposées auprès de ces jeunes visent à les protéger ou encore à les contrôler. Un examen des objectifs assignés aux interventions ne révèle pas les mêmes tendances.

Mots-clés: Intervention en protection de la jeunesse – Intervention visant les jeunes contrevenants

Abstract

The topic of youths followed under the department of Youth Protection and Young Offenders services, simultaneously or consecutively, and the respective intervention processes at Batshaw Youth and Family Centres have been explored in this study. This subject was researched in light of the effects that the Youth Criminal Justice Act may have on youths displaying serious behavioural problems and involved in criminality. By respecting the sentencing guidelines of the Youth Criminal Justice Act, the needs of young offenders requiring custody, involving intense supervision and support, may not be addressed. Section 39 of the Act clearly prohibits the use of custody in the name of child protection, mental health or other social measures. As such, it was anticipated that the number of *signalements* reported by the Youth Court would increase, which in turn would augment the number of youths subjected to interventions of two separate mandates (Dual Mandate youths). Questions concerning the application of two separate intervention processes and the inner workings of each are addressed. 84 dossiers were analyzed quantitatively and qualitatively. Overall, we found that Dual Mandate youths display serious behavioural problems and offend at a young age. Many come from broken homes and their fathers are often absent from their lives. Youths in this study exhibit learning disabilities, and are noted for using drugs and alcohol. They are the object of multiple and lengthy interventions. The agreed upon or imposed measures are either protective in nature or implemented to exert control over the youths. A review of the rationale of the ascribed goals did not reveal the same trend.

Key words: Youth Protection interventions- Young Offenders interventions

Table of contents

Dedication:	p.ix
Acknowledgment:	p.x
Chapter 1: Context and Issues	
1.1 Introduction	p. 2
1.2 Principles and objectives of the Acts	p. 13
1.2.1 Youth Protection Act	p. 14
1.2.2 Young Offenders Act	p. 15
1.3 Intervention process	p. 16
1.3.1 Youth protection	p. 16
1.3.1.1 <i>Signalements</i>	p. 16
1.3.1.2 Evaluation	p. 18
1.3.1.3 Orientation	p. 19
1.3.1.4 <i>Application des Mesures</i>	p. 21
1.3.2 Young offenders	p. 21
1.3.2.1 Request to authorize provisional detention	p. 22
1.3.2.2 Alternative measures	p. 23
1.3.2.3 Pre-disposition report	p. 25
1.3.2.4 Dispositions	p. 26
Chapter 2: Methodology	
2.1 Problem statement	p. 34
2.2 Data collection methods	p. 35
2.2.1 Quantitative document analysis	p. 36
2.2.2 Qualitative document analysis	p. 37
2.3 Procedures to identify population and representative sample	p. 40
2.3.1 Criteria for population selection	p. 40
2.3.2 Criteria for sample selection	p. 42
2.3.3 Setting	p. 43
2.4 Ethical considerations	p. 43
2.5 Limitations	p. 44

Chapter 3: Population characteristics

- 3.1 Demographics and family background p. 47
- 3.2 Child functioning and behavioural characteristics p. 53

Chapter 4: The intervention process prior to the Dual Mandate period

- 4.1 Duration in the system prior to the second act p. 65
- 4.2 Introduction to the intervention process p. 68
 - 4.2.1 *Signalements* p. 68
 - 4.2.2 Offences and breaches p. 74
 - 4.2.3 Types of crimes p. 77
- 4.3 The measures p. 80
 - 4.3.1 Youth protection measures p. 80
 - 4.3.1.1 Intervention measures p. 82
 - 4.3.1.2 Desired outcomes or goals of the intervention p. 89
 - 4.3.2 Young offenders measures p. 93
 - 4.3.2.1 Intervention measures p. 95
 - 4.3.2.2 Desired outcomes or goals of the intervention p. 97

Chapter 5: The Intervention process during the Dual Mandate period

- 5.1 Duration of Dual Mandate status p. 103
- 5.2 Introduction to the intervention process p. 104
 - 5.2.1 *Signalements* p. 104
 - 5.2.2 Offences and breaches p. 107
 - 5.2.3 Types of crimes p. 109
- 5.3 The measures p. 112
 - 5.3.1 Youth protection measures p. 113
 - 5.3.1.1 Intervention measures p. 115
 - 5.3.1.2 Desired outcomes or goals of the intervention p. 117
 - 5.3.2 Young offenders measures p. 118
 - 5.3.2.1 Intervention measures p. 120
 - 5.3.2.2 Desired outcomes or goals of the intervention p. 126

Conclusion

Youth characteristics	p. 130
Family background information	p. 132
Child functioning and behavioural characteristics	p. 133
Rational for the application of both laws	p. 134
Time spent in the system prior to and during the Dual Mandate period	p. 137
Youth protection and young offenders intervention processes: measures and goals	p. 138
Implications	p. 141

Bibliography

p. 144

Annexes

Annex 1: Sections 38 and 38.1 of the Youth Protection Act	p.i
Annex 2: The Youth protection system grid	p.ii
Annex 3: The Young offenders system grid	p.iii
Annex 4: Quantitative survey instrument	p.iv
Annex 5: Qualitative survey instrument	p.v
Annex 6: Court ordered authorization to access information	p.vi

List of tables

<u>Table I :</u>	Age first known to the system	p. 53
<u>Table II :</u>	Age at first recorded offence	p. 55
<u>Table III :</u>	Months in the system prior to the application of the second act	p. 66
<u>Table IV :</u>	Months of Dual Mandate status	p. 103

This masters is dedicated to many special people in my life:
My mother, the late Esther Michaelson: Thank you for telling me it was all right to quit. To my husband Allen, you have been my silent strength and support and to my newborn son Evan, we now have all the time in the world to play..... I love you all.

The author wishes to acknowledge and express tremendous gratitude to her Professor Jean Trépanier. Without his invaluable guidance, kindness, and vision, this study could never have been realized. Batshaw Youth and Family Centres is also recognized as well.

Introduction

The prospect of this study is to describe an existing and re-occurring phenomenon that has been witnessed at Batshaw Youth and Family Centers in Montreal, Quebec, as well as other *Centres jeunesse* so it can be better understood. This phenomenon relates to the existence of Dual Mandate youths. For the purposes of this research, Dual Mandate status refers to minors aged 12-17 inclusive that have been followed under the Youth Protection Act and the Young Offenders Act either simultaneously or consecutively. At the time of our study, the Young Offenders Act was still in force. It has since been replaced by the Youth Criminal Justice Act. The interest of the study is two-fold. The study proves a noteworthy topic for analysis in light of the latest young offenders legislation in force as of April 1, 2003. Furthermore, to our knowledge, it is an area of investigation in the matter of child welfare and juvenile justice practices that has never been explored. This study is important to the field of criminology in that it looks at the application of different laws specific to one youth and analyzes the circumstances surrounding the interventions mandated. The intent of this research is not to validate one specific hypothesis, but rather to paint a picture of a population in an attempt to draw some conclusions resulting from data accumulated.

The first chapter will offer our perspective regarding how we believe the Youth Criminal Justice Act may have the ability to influence the number of Dual Mandate youths serviced at different *Centres jeunesse*, thus stressing the relevance of our study. We could not present a literature review in the form that usually accompanies a masters thesis as there is hardly any existing literature on the topic. As such, we needed to adopt a different approach to formulating our

research questions in the absence of any relevant studies on the subject. It was therefore decided to focus on the objectives and goals of the Youth Protection and Young Offenders Acts, and the corresponding intervention processes and practices concerning this unique population, in order to attain the objectives of this study. The second chapter will detail the methodological techniques used to gather and interpret the data collected in this research as well as any limits established related to this area of investigation. The third chapter is demographical in nature and will highlight characteristics specific to this group of individuals as well as their families. Chapters four and five will discuss the findings of the data collection process with respect to the intervention processes youths are subjected to prior and during the Dual Mandate Period. Lastly, a conclusion will be offered to highlight relevant findings and implications for future research.

Chapter one
Context and issues

A study on Dual Mandate youths involves an understanding of several different laws and institutional practices that target one specific population. In order to fully understand the rationale behind this study and its subject matter, we will first present our position regarding the projected effects of the Youth Criminal Justice Act in relation to this area of investigation. Thus, providing the reader with a detailed account of the principles and objectives of the Youth Protection and Young Offenders Acts, as well as their related intervention practices will not only highlight situations necessitating the use of both, but also offer insight into the matter of Dual Mandate youths.

Imagine just for a moment, a youth that is subjected to interventions mandated by two different laws. At the beginning of this investigation, we had successfully acquired a statistic reflecting this type of dual application of interventions. *Centre jeunesse de Montréal*, which services the Francophone population on the island of Montreal, reported that as of March 2002 there were an estimated 242 minors who were the object of interventions mandated by both the Youth Protection and Young Offenders Acts. At that time, this figure represented 3.16% of the total population using both Youth Protection and Young Offenders services at the *Centre jeunesse de Montréal*. Unfortunately, Batshaw Youth and Family Centres, the site of this study, was unable to provide the same type of statistic for comparison purposes. However, it was able to confirm that during the period of the study, (April 1, 2002 through March 31, 2003) 3349 dossiers were opened under the Department of Youth Protection and 898 were opened under Young Offenders services. Upon completion of our data collection and analysis, we were able to identify the existence of 84 youths who attained

this Dual Mandate status. This represents 2% of the total number of youths involved with Batshaw Youth and Family Centres, who were subjected to the interventions mandated by two different laws, during the time of our study.

The Youth Criminal Justice Act has been identified as a factor that may produce some effect on the phenomenon of Dual Mandate youths, resulting from certain provisions of the act itself (Trépanier, 2002: 33). How can a new young offenders legislation impact upon the number of Dual Mandate youths encountered at a *Centre jeunesse*? To answer this question, an understanding of the foundations upon which the principles of the Youth Protection, Young Offenders and the Youth Criminal Justice acts were based is essential. Although a detailed history of juvenile justice practices in Quebec is beyond the scope of this report, awareness for how these laws came into force will provide clarity and an appreciation for one of the central tenets of this study.

Youths have special needs as well as a right to be protected. In Canada and abroad these rights have been recognized with the enactment of specific laws geared to satisfy these very requirements. In Quebec, the approach to treating child welfare and young offenders issues has changed over the last century. Several laws have been enacted, amended and subsequently repealed in an attempt to adequately intervene in juvenile justice and child welfare matters. These modifications, by nature, reflect changes in society's perception of the way youth crime and child welfare issues should be approached and treated. With this in mind, the upcoming pages will reveal a dramatic shift in Canada's young offenders legislation from a welfare model of justice to a more explicit justice

model resembling that of the Criminal Code in place for adult offenders. This shift may likely suggest the possible need for the application of both the Youth Protection and Young Offenders Acts in order to satisfy the needs of one specific youth.

Currently, in Quebec, there are two separate laws that legally impact the lives of children aged 0-17 inclusive. They are the Youth Protection Act in force since 1979 and the Youth Criminal Justice Act in force April 1, 2003. Its predecessor, the Young Offenders Act was responsible for youth aged 12-17 inclusive accused of and charged with a criminal offence from 1984 until April 1, 2003. The Youth Protection Act is a provincial law tailored specifically to Quebec. The Young Offenders Act and the Youth Criminal Justice Act are both Federal laws whereby each separate province is responsible for their administration. In Quebec, the responsibilities of the Provincial Director are exercised by the Department of Youth Protection. The Provincial Director is the person responsible for the application of all social interventions related to the Federal Act, the Young Offenders Act (Faugeras, Moisan, Fournier, and Laquerre, 1998: 73).

According to Bell a welfare model of juvenile justice focuses on the individual needs of an offender (1999: 184). The intention of this model is based on how to adequately serve the best interests of the child and the family. In this situation, the governing body adopts a philosophy of *parens patriae*. This philosophy implies that when dealing with youths who offend, the court should act in a parental manner. In doing so the court replaces the authority of the parents to rectify problematic behaviour exhibited by youths. This model

emphasizes informality, indeterminate sentencing with a focus on unacceptable behaviour. Crime and delinquency, according to this view, are shaped by social, psychological and environmental factors. According to this model, the purpose of the intervention is treatment of the youth through individual rehabilitation. Canada's Juvenile Delinquents Act in force from 1908 to 1984 is considered an application of the welfare model of justice. This law legally provided for two different types of situations (1) offending behaviour and (2) being considered incorrigible. As such, the existence of two separate laws to accommodate these different types of situations, as it exists today, would have been considered redundant. For the most part, the Juvenile Delinquents Act has been criticized for being exclusively focused on the person of the offender and not enough on the offence, as well as being too lenient and for its noted abuse of children's rights. It was replaced by the Young Offenders Act in 1984. Bell described the Young Offenders Act as a system of modified justice, rather than a pure justice model, because it maintained some of the welfare principles that underpinned the Juvenile Delinquents Act (1999: 179). The Young Offenders Act emphasized to some extent accountability and proportionality as well as a focus on the special needs of the offenders, in contrast with its predecessor which painted youth as "misguided" in need of aid, encouragement, and assistance (section 38 of the Juvenile Delinquents Act). A justice model promotes individual rights. It strongly encourages minimal interference with freedom as well as a right to due process. It focuses on criminal offences and requires determinate sentencing. Crime and offending behaviour are viewed as an individual's responsibility requiring the need for appropriate sanctions that would insure justice is achieved while guaranteeing individual rights.

During the time frame of this research, Quebec was equipped with two separate laws that guided interventions regarding youths (1) the Youth Protection Act and (2) the Young Offenders Act. One law addressed child welfare issues and the other young offenders issues. Between the years 1979 to 1984, the Youth Protection Act provided an alternate route for treating delinquency. It provided rules concerning how the diversion process should operate, as alternative measures had not yet been legislated. During this time in Quebec, provisions concerning alternative measures (delinquency cases) did not exist in the Federal Act but existed in the provincial Youth Protection Act. Quebec legislation abrogated these provisions when the Young Offenders Act came into force in April 1984. Delinquency was somewhat viewed and treated from a child welfare perspective without necessarily requiring interventions on the part of juvenile justice.

The Young Offenders Act has been the object of three separate sets of amendments in 1986, 1991 and 1995. It is the last amendments in 1995 that were the most influential in progressively moving it away from a modified model of justice in favor of a more justice oriented model. Granted, with the arrival of any new legislation there is always a need to iron out the “kinks”. However, when looking closely at the amendments of 1995 one is compelled to question whether the motivation behind them was (1) to ensure the protection of society while fully respecting the special needs of the offender or (2) simply politically charged? This question could also be posed when looking at the motivation behind Canada’s newest young offenders legislation, the Youth Criminal Justice Act as

one can understand that public opinion may be the driving force behind a government's decision to amend laws.

The Youth Criminal Justice Act is characterized as two-tier justice. The infraction, in this case, takes precedence over the special needs of the offender. Furthermore, custody is reserved for authors of violent offences and recidivists. The use of extra-judicial sanctions (alternative measures in the language of the Young Offenders Act) is the suggested recourse for authors of non-violent offences, more specifically if they are first time offenders. By respecting the sentencing principles of the Youth Criminal Justice Act, the needs of young offenders may not be adequately met in a situation where custody (involving intense supervision and support) and lengthy interventions based on the offenders' needs are now unavailable options. These are important themes upon which this study was created. Bernard St-Pierre stresses the importance of foreseeing mechanisms that will be able to respond to the needs of these types of offenders in light of the provisions (2002: 1). It is projected that by imposing sanctions proportionate to the offence as required by the Youth Criminal Justice Act, and in the absence of an adequate means to intervene with young offenders, judges may ultimately *signal* these cases to the Department of Youth Protection in order to satisfy the special needs of the offender. It has been speculated that this type of situation will undoubtedly increase the number of youth subjected to simultaneous or consecutive interventions of both Youth Protection and Young Offenders laws. Jean Trépanier emphasizes "*Il faudra demeurer conscient que l'utilisation d'une loi sur la protection de l'enfance pour réagir à des problèmes de délinquance pervertit le fondement et la finalité de cette loi*" (2002: 36). He

also describes that young offenders *signaled* to the Department of Youth Protection by a youth court judge might require new evaluations by a different social worker than previously encountered regarding their original criminal cases. The same outcome is effectively possible when a youth is first known to the department of Youth Protection and then accused of a crime and becomes known to Young Offenders services. Regardless of the sequence of events that could establish a dual application of laws, the Youth Protection and Young Offenders laws create a situation where the youths concerned and their families will be required to revisit the circumstances that led them to become involved with either service in the first place. Jean Trépanier affirms that the role of families in the intervention process is essential for encouraging a positive outcome (2002: 37). Multiple interventions, judicial and/or social, might prove to alienate families rather than encouraging their collaboration. Families involved in these processes may find the practices relative to multiple interventions intrusive by nature, especially emotionally. With respect to adjudication, the dual application of the laws and subsequent interventions may open the door to multiple judicial procedures and the imposition of measures. It is foreseeable that where a new judge is assigned to hear the merits of a second case brought before the court regarding the same youth, the judge will have to revisit the entire situation with the youth, and his family. Trépanier (2002: 34) also raises the notion of impartiality in a situation where the same judge is required to preside over the cases of a youth involved with both Youth Protection and Young Offenders services.

Section 35 of the Youth Criminal Justice Act reminds a judge that he may refer the situation of a youth, including a *signalement*, under sections 38 and 38.1 (See appendix 1) of the Youth Protection Act if he believes that the youth's needs would be more effectively met either by the provisions of this Act or in addition to measures required under the Youth Criminal Justice Act. It states that

[...]in addition to any order that it is authorized to make a youth court may at any stage of the proceedings against a young person, refer the young person to a child welfare agency for assessment to determine whether the young person is in need of child welfare services.

It is stated in section 39 of the Youth Criminal Justice Act that "a youth court justice shall not use custody as a substitute for appropriate child protection, mental health or other social measures". This provision might also prompt judges to *signal* young offenders to the Department of Youth Protection where their needs could not be satisfied by the young offenders legislation.

An important fact was realized in the course of a training session offered by a member of Batshaw Youth and Family Centres' department of legal services, on the Youth Criminal Justice Act. It was stated that although section 39 of the Youth Protection Act has been accessible for decades, which stipulates that any professional providing aid and any form of assistance to children is required to report any situation that compromises the security and development of that child under sections 38 and 38.1 of the law, there has been an increase witnessed in *signalement* reporting by the courts as a result of their training on the Youth Criminal Justice Act with regards to section 35 of the Act.

We contend that a tension exists between both laws being researched in this study. It is further emphasized by the differences in the intervention processes of these laws. As a result, these intervention processes will be defined and analyzed to determine, in part, whether the application of one law has the capacity of influencing the application of the other. Jean Trépanier has written about the fundamental differences between these interventions (2002: 35). He defines child protection interventions as putting an end to compromising situations as well preventing their reoccurrence. He also expresses that young offenders interventions, under the Young Offenders Act, are implemented in response to criminal activity whereby the protection of society and the needs of the youths are at the forefront. For the purpose of this investigation, when we refer to interventions we maintain that the definitions offered by Jean Trépanier support this study's position with respect to Youth Protection and Young Offenders services.

1.2 Principles and objectives of the Acts

1.2.1 Youth Protection Act

According to the general principles of the Youth Protection Act stated in section 2.3, the purpose of the intervention is that,

Any intervention in respect to a child and his parents must be designed to put an end to and prevent the recurrence of a situation in which the security or development of a child is in danger.

Section 1 of the Youth Protection Act indicates that a child “means a person under 18 years of age.”

As stated by Faugeras, Moisan, Fournier, and Laquerre, (1998: 24), the specific objectives of Youth Protection Act include:

1. Bringing an end to situations that compromise the security and development of youths aged 0-18;
2. Actively involving parents in the interventions and strategies envisioned;
3. Mobilise members of the community to create a consensus in intervention practices with minors;
4. *Responsabilizing* the community in favour of social reintegration of minors in difficulty.

The task force on the revision of the Reference Manual on the Youth Protection Act (1999: 114) and Faugeras, Moisan, Fournier, and Laquerre, (1998: 25) agree that, the basic principles of the Youth Protection Act include:

1. Youth interest and respect of their basic rights;
2. Importance of parental responsibility and authority vis a vis their child;
3. Maintain youths in their familial environment;
4. Community support with regard to child interventions.

As will be explained fully in the methodological chapter (chapter 2), this research is based on notions of the coming into force of the Youth Criminal Justice Act and consequently, the forthcoming explanation of the principles, objectives and processes are limited to the Young Offenders Act.

1.2.2 The Young Offenders Act

The Young Offenders Act has been the object of criticism resulting from its “Declaration of Principles” listed in section 3 of the Act. Its objectives and principles have been listed together, at times appearing inconsistent and competing in nature. They are presented in a similar fashion to those of the Youth Protection Act listed above.

The general objective of the Young Offenders Act listed in section 3 of the

Act states that:

Crime prevention is essential to the long term protection of society and that requires addressing the underlying causes of crime by young persons and developing multi-disciplinary approaches to identifying and effectively responding to children and young persons at risk for committing offending behaviour in the future.

As stated by Faugeras, Moisan, Fournier, and Laquerre, (1998: 67-68), the

specific principles and objectives of the Young Offenders Act include :

1. In all circumstances, minors should not be considered responsible for their acts to the same degree as adults. On the other hand, young offenders must assume responsibility for their criminal acts;
2. Society must adopt reasonable measures in an attempt to prevent criminal behaviour on the part of young offenders as well as protecting the community from any illicit acts;
3. The young offenders situations require surveillance, discipline and intervention. However, the state of their social environment, their personal situation and level of maturity, creates a special need for counselling and assistance;

4. The use of extra judicial measures in situations concerning young offenders must be weighed in connection with the protection of society;
5. Young offenders are entitled to the same rights and liberties that are included in the Canadian Charter of Rights and Freedom;
6. Young offenders are entitled to take part in procedures that concern them and to due process;
7. Parents must assume their responsibilities with regard to their child.

Social interventions, including those mandated by youth courts are put in motion by Youth Protection centres and their branches of Young Offenders services in order to facilitate the attainment of the objectives enumerated above.

1.3 The intervention process

1.3.1 Youth Protection

A grid outlining the Youth Protection intervention process has been presented (see appendix 2) for a thorough comprehension of the subject matter. By following the diagram from top to bottom, the reader can visualize how a case is first brought to the attention of the department of Youth Protection as well as the many different scenarios that are possible once the situation has become known.

1.3.1.1 Signalements

Situations of risk concerning children aged 0 – 17 inclusive, are brought to the attention of Youth Protection agencies when someone makes a report to that effect. These reports are known as *signalements* and they can be retained or not-

retained for investigation. This process involves an initial reception of a *signalement* by an intake worker who then makes a decision whether or not to retain the case for investigation. This decision is based on the allegations made by the declarant that must meet certain criteria. These criteria reflect situations outlined in sections 38 and 38.1 of the Youth Protection Act. These situations include abandonment, neglect, emotional rejection, physical abuse, sexual abuse and serious behavioural problems exhibited by youth. If a *signalement* is retained, a different worker will then perform an in-depth evaluation to verify the allegations of the *signalement* and decide whether the youths' safety and development have truly been compromised. A study by Jacob and Laberge indicates that several factors influence this decision making process. They include (1) characteristics of the situation *signaled*, (2) the credibility of the declarant, (3) characteristics of the individual *signaled*, the parents and family structure, and (4) finally the resources and practices of the child welfare agency in question (2001: 126). If a *signalement* is not retained, the intake worker is required to inform the declarant of the decision. The information contained in a *signalement* that has not been retained, will be kept on file for six months. At this point the declarant is encouraged to report any future information that may support the allegations of the original *signalement* or any new situations that create a risk for the child. Any additional details may in turn strengthen the validity of the original allegations that the development and security of the child is in fact being compromised.

When it is decided that the allegations of the *signalement* are founded and as such the security and development of a child are deemed compromised, the

signalement is retained. The intake worker then decides if immediate measures need to be taken. If the intake worker immediately intervenes, urgent measures will be invoked. Urgent measures are invoked in situations where a youth over 14 years of age and/or a parent is not in agreement with the intervention proposed by the intake worker. An example of such a scenario is, for instance, when a youth is exhibiting serious behavioural problems that require removal from the home and placement in a secure (i.e. locked) or non-secure rehabilitation center is required. Other instances requiring urgent measures can involve children who live with a person who has authority over them and have been physically or sexually abused by that same person. In any instance of a retained *signalement*, the intake worker will forward the dossier for evaluation to a team who evaluates and orients the *signalements*.

1.3.1.2 Evaluation

Section 49 of the Youth Protection Act states that,

If the Director considers admissible information to the effect that the security and development of a child is or may be considered to be in danger, he shall access the child's situation and living conditions. He shall decide whether or not a child's security or development is in danger.

The objective of this stage in the process is to verify if the situation *signaled* justifies an ongoing application of the law (Faugeras, Moisan, Fournier, and Laquerre, 1998: 47). This is accomplished via the following activities; (1) verifying the veracity of the allegations, (2) analyzing the situation (the effects on the child, capacity of the parents, life conditions) and (3) making a decision regarding the compromised safety and development. The Reference Manual on

the Youth Protection Act (1999: 76) indicates that the above cited activities should facilitate the youth protection worker in;

1. Ruling on the relevance of the facts reported;
2. Assessing the gravity of the situation;
3. Determine the capacities of the parents (acknowledgement of the facts, desire to correct the situation, personal resources, available means);
4. Determine the capacities of the community (the people around the child, day care centres, schools, health and social services and so on) to support the child and the parents.

Decisions at this stage of the intervention process are made based on information compiled from a thorough investigation of the allegations that reflect the criteria outlined in sections 38 and 38.1 of the Act. These criteria include the facts reported, the vulnerability of the child, parents' capability and willingness to exercise their parental responsibility, and the capacity of the community to offer support to both the child and family. Included in this evaluation is an assessment of the gravity, *chronicity* and frequency of the allegations. At this stage, a case will be closed if the security and development of the child are not deemed compromised.

1.3.1.3 Orientation

If the evaluation determines that the child is at risk,

[...]the Department of Youth Protection must then decide where the child is to be directed. The ultimate purpose of directing the child to resources is to recognize the measures required to put an end to the situation and prevent it from recurring. (Task force on

the revision of the Reference Manual on the Youth Protection Act 1999: 176).

Section 51 of the Youth Protection Act states that

Where the Director is of the opinion that the security or development of a child is in danger, he shall take charge of the situation of the child and decide whereto he is to be directed. For that purpose, the Director shall propose the application of voluntary measures or refer to the tribunal.

At this point, the case moves into the orientation phase. It is during this phase that a worker, in conjunction with the family, develops a plan regarding what measures are required to effectively respond to:

- the issues that have put the child at risk, and thus, compromising his or her development and security;
- the situation that brought the family to the attention of Department of Youth Protection.

Different outcomes can result from this orientation stage:

1. Closure – if, during the orientation phase, the family has taken appropriate steps to correct the situation and eliminate the risk to the child;
2. *Intervention terminale* – if the orientation indicates that the situation of risk may be ended by a very limited time of involvement (4-8 weeks), a short term agreement is concluded

which is referred to as *intervention terminale*. This particular stage of procedures may not exist in every *Centre jeunesse*;

3. Voluntary Measures – if longer term interventions are required, a contract of agreed upon measures may be signed with the parents, and the child 14 years old or over and the case is then referred for follow up to a treatment team (*Application des mesures*)
4. Adjudication – if the worker, parents and/or child 14 years of age or over are unable to voluntarily agree on the measures deemed necessary to end the compromising situation, or even if willing, the worker deems that the other parties are unable to comply with the measures, the matter may be referred to the Youth Court in order for a judge to render a decision in the matter and to order measures.

1.3.1.4 Application des mesures

This process is characterized as the social follow-up stage of the intervention process. Legally, it refers to the notion of “aid, counselling and assistance” described in the law. The worker will meet with a family on a regular basis and ensure that the measures, voluntary and/or court ordered, or whatever they may be, are being respected.

1.3.2 Young Offenders

A chart depicting the Young Offenders intervention process has been offered (see appendix 3) so the reader may visualize the actual workings of the

intervention stages. This diagram illustrates the succession of stages possible when a youth becomes involved with Young Offender services.

There are four distinct ways that the Provincial Director may get involved with a case concerning a young offender. These situations involve:

1. Request for provisional detention by police;
2. In most cases, a request for an alternative measures evaluation is received by Young Offenders services directly from the Crown. However, a request may, on occasion, be received directly from a judge. This request will determine whether a young offender can be diverted from the court process and receive alternative measures;
3. A request for a pre-disposition report received by Young Offenders services directly from a judge prior to sentencing;
4. A referral by the judge for follow up on a sentence imposed on a youth (e.g. probation, custody, and community work).

1.3.2.1 Requests to authorize provisional detention

According to Section 7 of the Young Offenders Act:

In any province for which the Lieutenant Governor in Council has designated a person or a group of persons whose authorization is required, either in all circumstances or in circumstances specified by the Lieutenant Governor in Council, before a young person who has been arrested may be detained in accordance with this section, no young person shall be so detained unless the authorization is obtained.

In Quebec, the responsibilities outlined in section 7 of the Young Offenders Act are delegated to the staff of the Provincial Director. In principle, a youth

should be kept in freedom. Article 495 of the Criminal Code provides for certain situations where youths may be detained prior to appearing in court. In cases concerning youths, contrary to adults, a police officer's sole decision to detain is not sufficient. Authorization to do so must be obtained from the Provincial Director. At this point, if a police officer desires to detain a youth that has been arrested, he will contact a designated intake worker to obtain this authorization. In order to decide whether a detention is appropriate a summary evaluation is made by a Batshaw Youth and Family Centre intake worker, based on certain criteria that have been identified in the Reference manual on the Young Offenders Act (1993: 66-67). The criteria, as they are listed below, were presented to me by a senior Batshaw Youth and Family Centre social worker:

- risk of the adolescent not appearing before the court;
- protection of society;
- impossibility of identifying the young person without detention;
- Young Offenders warrants;
- violation of the terms of conditional supervision as per section 20(1) K.1 of the Young Offenders Act;
- the need to gather or preserve evidence in a serious case that would be jeopardized by the youth's release.

1.3.2.2 Alternative measures

Section 4 of the Young Offenders Act outlines the guidelines for the use of alternative measures. Alternative measures may be used to deal with a young

person alleged to have committed an offence instead of judicial proceedings under this Act if certain conditions are met, including:

1. The measures are part of a program offered by the Provincial Director;
2. The Provincial Director must be satisfied that the use of these measures will both take into account the needs of the offender and the interests of society;
3. The young person accepts to participate in the program;
4. The young person accepts responsibility for the act he is accused of committing.

When the Crown receives a request from the police to lay charges against a youth, the Crown studies the dossier. In certain types of offences the Crown may, and in others, must refer the file to the Provincial Director's branch of Young Offenders services for an evaluation to determine if the youth can be dealt with under the Alternative Measures Program. A youth worker is then assigned the case for evaluation. He contacts the child and meets with him or her to discuss the offence and possible measures. The child has the right to refuse the proposed alternative measures and in this case, the file is referred back to court. At this point, the normal judicial processes will apply. On the other hand, if the young offender agrees to the Alternative Measures Program, he must accept full responsibility for the actions constituting the offence for which he has been accused. Different scenarios can result from this acceptance. If parents have assumed their responsibility towards their child and have put a plan in place to monitor their child's behaviour and attempt to limit the possibility of recidivism, the file may be closed and no further procedures will occur.

If there is a need to hold the youth further accountable for his actions, to repair the harm done, or to allow him to resolve his own feelings about the offence, measures may be agreed to by way of a formal agreement. In such instances, where the youth agrees to perform certain actions i.e. community work, donations, letters of apology, and respects and completes the measures, the file could be closed. Failure to complete the measures can result in the file being returned to the Crown for court referral. During the time frame of this study the *Entente-cadre* (May 2001) had been in effect. This is an agreement between the *Association des centres jeunesse* and the *Regroupement des organismes de justice alternative* regarding each organization's respective responsibilities towards the application of alternative measures. At the heart of this *entente* is reparation towards the victim, being the most appropriate means of attaining the objectives of the use of alternative measures in many cases (*Manuel de référence sur l'application de la LSPJA*, 2004: 85)

1.3.2.3 Pre-disposition report

Section 14 of the Young Offenders Act concerns the use of a pre-disposition report.

Where a youth court deems it advisable before making a disposition under section 20 in respect of a young person who is found guilty of an offence it may [...] require the Provincial Director to cause to be prepared a pre-disposition report in respect of the young person and to submit the report to the court.

When a youth has entered a plea of guilty or the same has been reached by the court, a pre-disposition report may be requested prior to sentencing. There are also cases where the law makes it compulsory to have a pre-disposition report prepared. As such, a young offenders worker is assigned to a case for evaluation.

This type of situation may transpire when a youth is charged with serious offences and the presiding judge is considering custody as a disposition.

1.3.2.4 Dispositions

Sections 20-23 of the Young Offenders Act refer to the sanctions available to the Youth Court when imposing sentences. According to paragraph 20 (1):

Where a youth court finds a young person guilty of an offence, it shall consider any pre-disposition report required by the court, any representations made by the parties to the proceedings or their counsel or agents and by the parents of the young person and any other relevant information before the court, and the court shall then make any one of the following dispositions...

The fourth entry point for services provided by the Provincial Director is the imposition of sanctions by the Youth Court. Sanctions include custody and probation with follow-up. Batshaw Youth and Family Centres' procedures specific to the administration of dispositions are as follows. A young offenders worker will perform an evaluation in both situations presented above. As noted above, with respect to custody, most dossiers require a pre-disposition report. If custody is imposed for duration of three months or longer, the dossier is then transferred to a residential child care worker for follow-up. Follow-up for custodial periods of less than three months is generally assigned to the Young Offenders services worker who did the original intake. As for probation, the Young Offenders services worker first assigned to the case will prepare an evaluation to determine how follow-up will then proceed.

The principles of the Youth Protection Act are to put an end to the situations that create a risk of compromising the security and development of youths aged 0-17 inclusive. The objectives of the Youth Protection Act are to put interventions in place to halt the endangerment witnessed among these youths. These interventions involve the inclusion of parents and the community in order to establish a consensus within the intervention strategies and to ensure a youth's proper re-integration within the family and the community. The foundations of these principles are built on the respect for youths' rights and interests. The role of parents and their responsibilities towards their children is emphasized. A definite importance is placed on having the youths remain in their home environment. An effort is also placed on the collaboration with community resources to support intervention practices.

The principles of the Young Offenders Act are different from those associated with the Youth Protection Act. They require that a youth assume responsibility for his/her actions. However, the special needs of the offenders, as minors, are still recognized. Society is expected to adopt reasonable measures to ensure the protection of the community and prevent offending behaviour. In keeping with these principles, juvenile offenders require discipline, surveillance and interventions. However, the situations specific to each case, their social environment and maturity level, create a need for counseling and assistance. As seen with the Youth Protection Act, parents are expected to assume their parental responsibilities with regard to their children.

A comparison of the principles and objectives of both laws suggests that each law is tailored to a specific need recognized among youths. This need could involve protecting the youth from himself or others in Youth Protection cases or to neutralize, or rehabilitate the youths in the case of young offenders. As such, the youths are dealt with and treated very differently by each service. However, in certain cases and under certain circumstances, are the youths really that different from each other? It is important to take note of the emphasis placed on the special needs of young offenders and the role of parents as seen with the Young Offenders Act.

The processes by which youths become involved with the department of Youth Protection and/or Young Offenders services are unique to each case. As illustrated throughout the chapter, minors that come into contact with the Director of Youth Protection and the Provincial Director are the objects of multiple evaluations and interventions. There are few procedural similarities; however, superficial parallels can be drawn between both separate processes. Both begin with an initial reporting of the situation to either the department of Youth Protection or some branch of law enforcement services. Specific criteria must be adhered to when invoking urgent measures under the Youth Protection Act and when authorizing provisional detention under the Young Offenders Act. Evaluations specific to each law follow the original reception of a case. In the case of Youth Protection, an evaluation of the facts regarding the initial report is undertaken to ascertain whether the security or development of the youth is indeed compromised. Providing a risk has been established, different forms of interventions and measures are then implemented, depending on the specifics of

each case. If agreed upon voluntary measures are not respected, court ordered measures then follow. In the case of young offenders, if the police request that charges be laid against a youth, the Crown will study the dossier. Adhering to specific guidelines, the Crown may request an evaluation by Young Offenders services to be performed in order to verify the admissibility of the case under alternative measures. If the alternative measures are not respected, the file will be referred back to the Youth Court. Social follow up, monitoring of alternative measures sanctions and youth protection measures are viewed as like processes regardless of the law applied. Finally, closure of dossiers in certain situations may also be considered similar. For example, when the security or development of a youth is not considered compromised under the Youth Protection Act or when charges have been dropped against a youth under the Young Offenders Act, the dossiers are closed.

Supposing a child or adolescent is subjected to a dual application of interventions mandated by two different laws, what does this mean for the child and others involved with this youth? Can the special needs of young offenders be viewed in any way similar to those recognized in paragraph 38 (h) (serious behavioural disturbances) of the Youth Protection Act whereby the youth's behaviour has brought him to the attention of Youth Protection services? If this is the case, can an offence for which a youth has been accused, depending on the nature, be regarded as an extension of said serious behavioural problems? If so, could there be an alternative for dealing with the youth, such as, referring and possibly addressing the case under one Act, for example, the Youth Protection Act? This is an important question given that the use of custodial measures for

such reasons has been prohibited under the Youth Criminal Justice Act. These are precisely the sort of questions this research will attempt to address. The present research project will not only describe the different intervention processes involving the same youth under both Youth Protection and Young Offenders services but will also delve into youths' dossiers to try and address what this phenomenon really consists of. We consider this study significant as no other research, to date, has examined this phenomenon. We hope that an analysis of this kind will provide valuable insight in the area of Dual Mandate youths subjected to interventions mandate by both Youth Protection and Young Offenders laws. The more we comprehend the dual application of these laws, the better equipped we will be to intervene with minors involved in this capacity, with the juvenile justice and child welfare systems. Furthermore, an in-depth description of the practices at a *Centre Jeunesse* will contribute to a better understanding of the rationale behind, necessity and workings of both laws specific to the same youths.

We speculate that this study will provide information about the make up of Dual Mandate youths, what types of situations have led them to be subjected to both laws, and how their cases were handled from the *signalement* and offence reporting stage up until and including the application of measures. As the mandates of both laws are different, we aspire to identify whether or not the assessments and ultimate handling of each case are interrelated. Given that this research study was undertaken at Batshaw's Youth and Family Centres' and their area of jurisdiction is specific to English speaking and Jewish youths on the Island of Montreal, analyzing the intervention processes at this *Centre jeunesse*

will undoubtedly yield patterns and statistics about this specific group of Dual Mandate youths that may not have yet surfaced. It will also be interesting to ascertain whether the aims and goals of both laws mesh well together. As stated throughout this chapter, there is a vested interest in this type of analysis for the many social actors associated with this area of investigation. An extensive awareness of how these cases become known to Batshaw Youth and Family Centres and the subsequent sequence of events that create this dual application of laws, will not only provide an understanding of how interventions are applied but will also increase our knowledge of the phenomenon. The more we know about this recurring situation, the better equipped we will be to intervene with this population.

The research questions and objectives enumerated below orient the fundamental premise of this study. As this research is descriptive in nature our research questions are aligned to describe the phenomena being reviewed. For example, we would like to understand what it means to be followed by both Youth Protection and Young Offenders services. Who are these youths? What processes are these Dual Mandate youths enmeshed in? The general objective of this study is to explore the intervention processes of both Youth Protection and Young Offenders cases, more specifically, Dual Mandate youths at Batshaw Youth and Family Centres in Montreal, Quebec. The specific objectives of this study include to:

- describe youths' characteristics and situations that generate Youth Protection and Young Offenders dual involvement at Batshaw Youth and Family Centres.
- describe the rationale behind the application of two laws related to Dual Mandate youths at Batshaw Youth and Family Centres.
- describe the intervention practices for minors both *signaled* and accused or convicted of criminal activity at Batshaw Youth and Family Centres.

Our objectives do not go beyond those of an exploratory study in an area that has not yet been researched.

Chapter two

Methodology

The following section outlines the design and methodology of this study. It includes a description of the study's problem statement, data collection methods, study setting, sampling techniques and data analysis method. Ethical considerations and limitations of the study will also be discussed.

2.1 **Problem statement**

As affirmed in chapter one, the foundations of the Youth Criminal Justice Act are different from those of previous young offenders legislations. As such, intervention practices implemented by different *Centres jeunesse* will have to change in order to adapt and adequately intervene in cases of youths in need of these services. For example, given that the Youth Criminal Justice Act has placed limitations on the use of custody and restricted its use for child welfare purposes, an increase in the number of youth *signaled* to the Department of Youth Protection is possible. Such a scenario, could ultimately increase the number of youth subjected to simultaneous or concurrent interventions of the Youth Protection and Youth Criminal Justice Acts. Given that the Youth Criminal Justice Act was considered in its infancy during the period of this study and thus deemed too early to research its projected effects, we found it more appropriate to research how we intervened with Dual Mandate youths in the past to better support this population in the future. The purpose of this research project is to describe the intervention practices and processes involving Dual Mandate youths as well as to delve into the underlying rationale for their implementation. The stages within each separate intervention process will be identified and defined in order to provide a global understanding of the actual

workings of each law and what impact they may have had, if any, on each other with respect to the same youth.

This thesis was initially designed with an additional specific objective in mind. The objective was to understand the perceptions of the social actors involved with Dual Mandate youths or the youths themselves, chosen at the time the sample was drawn. This objective would have been satisfied through in-depth interviews. However, we were faced with several difficulties in achieving this objective. In-depth interviews would not only have surpassed the requirements of the scope of this masters, but also given our finite financial and manpower resources, this objective could never have been realized. Furthermore, given the intrusive nature of the intervention process in and of itself, we were of the opinion that performing subsequent in-depth interviews and thus subjecting youths and their families to further probing in the name of this study could have been considered excessive. As a result, we had to remove this objective from our study.

2.2 Data collection methods

Quantitative and qualitative research methods were used to study this phenomenon. This appeared necessary in order to attain its objectives in the most proficient manner.

According to Cresswell our method of collecting research data may be referred to as the sequential explanatory strategy.

It is characterized by the collection and analysis of quantitative data followed by the collection and analysis of qualitative data.

The priority is typically [but not always] given to the quantitative data, and the two methods are integrated during the interpretation phase of the study” (2003: 215).

2.2.1 Quantitative document analysis

Quantitative research methods have allowed us to provide a description of the population being studied thus satisfying our first research objective. Descriptive statistics in the form of frequencies and tables will be provided so that we may illustrate defining characteristics of the population being researched.

This study required multiple data collection phases to select the Dual Mandate population and a subsequent more limited group of dossiers to analyze their contents in greater depth qualitatively. In our initial data collection phase, we collected factual descriptive information from a module called “*Profil des Services*” which is a subset of Batshaw Youth and Family Centres’ computer data files. This information provided a preliminary portrait of the youths who attained Dual Mandate status at Batshaw Youth and Family Centres during the year 2002-2003. The preliminary data collected was demographical in nature. It included variables such as the age of the youths under investigation, their gender, the total number of years that each youth has been involved with Batshaw Youth and Family Centres, which law was first in application at the time of this study as well as which law was in application when the youths first became known to either system. We then subtracted and coded this information and performed descriptive statistical analyses using the statistical program SPSS, 11.0.

In order to broaden the preliminary dimensions discussed above, a second phase of quantitative data collection was undertaken with the use of a survey instrument (See appendix 4). This tool allowed the researcher to gather additional demographical information such as race, legal and physical custody of the youths, primary residence and caregiver of child, and youths' family histories extracted directly from the actual youths' dossiers located at Batshaw Youth and Family Centres and Young Offenders services respectively. The statistics compiled from this phase of data collection further facilitated our task of describing, in greater detail, our Dual Mandate population. Furthermore, this second phase of data collection made it possible to highlight characteristics that may have put this population at risk of attaining the Dual Mandate status.

2.2.2 Qualitative document analysis

The descriptive nature of our study requires the extensive use of qualitative research methods. Qualitative research has been identified as a method having a greater capacity over quantitative research methods to provide descriptive details, while at the same time emphasizing the importance of a contextual understanding of social behaviour. "Qualitative research tends to view social life in terms of processes...[and demonstrates] how events and patterns unfold over time" (Bryman, 2001: 279). A study of this nature requires an understanding of social behaviour and as such compels the use of qualitative research methods to achieve this goal. Our aim in using qualitative research methods was to probe deeper into the youths' dossiers and collect other relevant information that could not have been obtained quantitatively. A qualitative research instrument was designed and employed with the express purpose of complementing the descriptive information

initially collected quantitatively. This questionnaire (See appendix 5), was intended to address research questions related to causes, processes and outcomes that could not have been reached through quantitative analysis means. Moreover, this type of questionnaire provided an avenue to clearly describe the inner workings of each of the intervention processes and practices involving Dual Mandate youths and the rationale behind the application of both laws. For example, the use of the quantitative survey instrument enabled the researcher to collect data about whether a youth's siblings were known to either service. However, it could not successfully be used to respond to a question such as "what was the desired aim of the intervention?" Thus, the use of a qualitative survey instrument was deemed a necessary component of this research given that it provided the researcher with the capacity to answer this type of question.

During this qualitative phase of the data collection process, the information accumulated from the Dual Mandate dossiers was extracted from (1) evaluation and orientation reports, (2) chronological and progress notes, (3) *signalement* and police reports, and (4) judicial and signed voluntary or alternative measures and (5) predisposition reports, all located within these files. These dossiers provided information about the inner workings of each intervention process being analyzed. This method has made possible an appropriate understanding of each stage of the interventions implemented. Moreover, it allowed for the added dimension of time to be incorporated with the description of the social reality being studied. Accordingly, Cellard affirms that,

on peut, grâce au document, pratiquer une coupe longitudinale qui favorise l'observation du processus de maturation ou d'évolution d'individus, de groupes, de concepts, de connaissances, de

comportements, de mentalités, de pratiques etc., et ce de leur genèse à nos jours (1997: 251).

Data collected qualitatively was analyzed adhering to a combination of both Miles and Huberman's Analytic Induction method and Strauss and Glaser's method of Grounded Theory Analysis.

Qualitative data collection comes with its inherent weaknesses. Documents are simply documents. In this respect, if researchers require further clarification regarding the contents of a certain document, they can not question it. We are not blind to this limitation or others related to the use of this research technique. This type of research method has also been characterized as both subjective and impressionistic. Therefore, qualitative research findings "tend to rely too much on researchers' often unsystematic view about what is significant and important" (Bryman, 2001: 282). Other noteworthy concerns regarding the use of this methodology include its replicability and capacity to generalize its findings. However, we expect that the use of an integrative design as described above will minimize the limitations associated with the use of only this approach. Furthermore, given that this research is specific to one *Centre jeunesse*, our objective was not to generalize its findings. Finally, in comparison with in-depth interviews, we also consider this method practical given its unobtrusive nature.

We are therefore optimistic that a combination of these research methods, more specifically, quantitative and qualitative document analysis is likely to have appropriately satisfied our research objectives and goals.

2.3 Procedures to identify population and representative sample

Our first phase of data collection procedures required that we identify who could be considered a youth relevant to this study. This was achieved by requesting a list of Dual Mandate youths between the ages of 12-17 that received services from the department of Youth Protection and Young Offender services during the one-year period of April 1, 2002 until March 31, 2003, from Batshaw Youth and Family Centres' department of Professional Services. We then requested a second list of youths that were only involved with Young Offenders services during the same period and manually cross-referenced these youths against the department of Youth Protection computer data files. This procedure was performed in an attempt to ensure that every possible case that met the sampling criteria was identified and enlisted for the study. This then generated a list of 138 youths, slightly higher than anticipated.

2.3.1 Criteria for population selection

According to Polit, Tatano Beck, and Hungler the initial population chosen is referred to as a purposive sample. “[It] is based on the assumption that a researcher’s knowledge of the population can be used to hand pick the cases to be included in the sample (2001: 239)”. Accordingly, the researcher “might decide purposely to select...subjects who are judged to be typical of the population in question (2001: 239)”. The criteria for selection in this population included English speaking and Jewish youths aged 12-17 inclusive on the Island of Montreal, who have been followed by Youth Protection and Young Offenders services during the period of April 1st 2002 and March 31, 2003. The period of study was specifically selected for the following reasons. The Youth Criminal

Justice Act came into force immediately following the period of this study. At the time this study was underway, this legislation was in its first year of application and thus considered in our view, possibly *atypical*. We concluded that studying a transitional year such as this one might not have been representative of the phenomenon being researched. As a result, the period of this study was specifically chosen, representing a one-year period that directly preceded the application of the Youth Criminal Justice Act. It was determined that a one-year period of time would have provided ample Dual Mandate dossiers for investigation and analysis. Of noteworthy significance, is that a dossier may have been active prior and following the time frame of this research, however, it was excluded from our study if it was closed to either service at the time this study began, April 1st, 2002. The age group of the youths being researched was specifically set at twelve (12) years of age, as younger youths are not held legally responsible for their criminal activities and thus unable to be charged with an offence under the Young Offenders Act. Although we were able to abstract descriptive quantitative data from dossiers that had been non-retained by the department of Youth Protection, they were excluded from this study because a qualitative analysis could not be performed given that these files were closed at the initial *signalement* stage. Furthermore, the fact that there were no grounds for retaining the *signalement* meant that the case could not qualify as a Youth Protection case and as such there could be no Dual Mandate. Youths who reached the age of majority (18 and aged out) during the data collection stage of this research had to be excluded from further analysis as their dossiers were either destroyed or access was denied. The selection process of the youths' dossiers was neither influenced by the category of offence or measure that a young offender

was imposed nor by the specific paragraph of sections 38 and 38.1 of the Youth Protection Act for which the youth was *signaled* or received measures. A dossier could be selected regardless of the order in which the youth was first known to either system, be it the department of Youth Protection or its branch of Young Offenders services. Finally, the application of the interventions may have occurred simultaneously or consecutively, as we were interested in understanding what transpired in either situation. Every dossier that met the criteria described above was included in this study which explains why we refer to this basic group of cases as our population.

2.3.2 Criteria for sample selection

We established that there were one hundred and thirty eight (138) possible Dual Mandate dossiers available for analysis. Based on the date we were given authorization to commence the qualitative data collection phase of this research (June 15, 2004), 54 respondents had either reached the age of majority and thus aged out of the study, or the dossiers were non-retained. Therefore, a representative sample of the population was chosen based on the eighty-four (84) remaining dossiers available for consultation. It was decided to select $\frac{1}{4}$ of these cases for the qualitative sample. This appeared sufficient to ensure an adequate degree of *representativity* of the population, while ensuring that the data collection could be feasible, taking into account the time required for each dossier, the resources available for the research, and the fact that this is only an exploratory study. In order to select our sample we broke the 84 dossiers down into groups based on gender and the first law the youth was known to either service. This yielded four different groups. We then chose one quarter of each

group allowing for a systematic representation of the original population. This produced a representative sample of 19 viable dossiers that could be analyzed qualitatively. The criterion for their involvement with the study remained the same as that of the population described above.

2.3.3 Setting

This study has taken place at Batshaw Youth and Family Centers located at 4515 St Catherine Street West in Montreal, Quebec as well as Young Offender services located at 410 Bellechase in Montreal, Quebec. These two locations are the sites in which the dossiers being researched are held. This *Centre jeunesse* was chosen based on its practicality. As this is an exploratory research study we were seeking a setting containing a homogeneous population, employing homogeneous practices. Furthermore, we were required to limit the investigation to one *Centre jeunesse* to ensure the capacity of successfully drawing conclusions from the findings. Applying to the department of Professional Services at Batshaw Youth and Family Centres produced a positive result and we welcomed the opportunity to perform our research at this local.

2.4 Ethical considerations

As this study involves conducting a review of youths' dossiers containing confidential documents related to minors, ethical concerns arise. A court order to access and review these dossiers was granted by the *Chambre de la Jeunesse* (See appendix 6). Furthermore, a confidentiality agreement was signed by this researcher and Batshaw Youth and Family Centres' department of Professional

Services. We were also required to adhere to strict guidelines concerning data collection and records management.

2.5 Limitations

Like any other, this study has limitations that must be kept in mind when interpreting the data. One of these limitations refers to the lack of any similar studies for comparison purposes.

The survey instruments used for this study were not empirically validated tools. The sample that was chosen was not a random or probability one from various *Centres jeunesse*, therefore, any possible findings cannot be generalized to other *Centres jeunesse*.

The destruction date of files or the date access to files was denied has also affected the amount of information we were able to have full access to. During our first phase of data collection in July 2003 we were able to determine how many and which youths met the eligibility requirements of the study (N = 138). However, given that the files are systematically destroyed when youths reach the age of majority, we were unable to access several files and the original population was inadvertently narrowed to 84 cases.

Another concern that arose when researching this subject material pertained to definitions of risk and offence. How are events measured and defined? Whose definitions are being used to categorize situations of risk and *compromision*? How are serious behavioural disturbances differentiated from criminal activity?

Are these definitions subjective by nature? If so, then it stands to reason that the person describing the event may in turn affect the intervention process from onset.

Technical limitations concerning this research refer to records management. In May 2001 Batshaw Youth and Family Centres' central computer system was changed to the PIJ system, which allowed for the standardization of information across different *Centres jeunesse*. We are unable to confirm whether all the information regarding youths serviced by the department of Youth Protection and Young Offenders services prior to the implementation of the PIJ system was in fact successfully transferred from one system to another.

Nevertheless, we are confident that the methods used to collect and analyze the data will lend to an adequate understanding of the phenomenon being researched.

Chapter three
Population characteristics

The next three chapters of this report will provide the reader with the findings obtained from the data collection processes as described in the previous chapter. By the end of these chapters, the rationale and need for this study should have become apparent. The information presented in the next three chapters should also satisfy the objectives set out at the beginning of the research. If this were not the case, a discussion of the limitations of this research will be offered as well as implications for future research in the area. As indicated in detail in chapter two, we used both quantitative and qualitative research methods in order to satisfy the objectives of this study.

The intent of this chapter is to provide background information about the Dual Mandate population so that the intervention practices discussed in chapters four and five will be put in context and well understood. As indicated above, we are referring to a population rather than a sample since we chose to study all the relevant cases of a given year about which information was available. The information that is required to put the case histories of these youths into perspective is demographical in nature, including specifics concerning the youths' families, their noted behaviour and functioning.

3.1 Demographics and family background information

Based on a systematic gender cross-tabulation, by and large we found no particular differences between genders except for a few instances that have been identified throughout this chapter. The data collected resulted in 62 variables

which, when properly manipulated, gave way to the statistical data described below.

Our Dual Mandate population is comprised of 25% females (N = 21/84) and 75% males (N = 63/84). For the year 2001-2002 Batshaw Youth and Family Centres' general population (including all services and placements) was made up of 48% females (N = 2877/5906) and 51% males (N = 3029/5906). Given the implementation of the center's new computer software "PIJ", the year 2001-2002 was used for comparison purposes, as the same statistic was unavailable for the year of our study (2002-2003). Interestingly, the characteristics of our Dual Mandate population resemble more the gender breakdown witnessed among offending youths. According to the Canadian Centre for Justice Statistics, males accounted for 77% of youth court cases in Canada for the year 2002-2003 and they predominated in all age groups (Robinson, 2004: 3). The over-representation of males reflected in our Dual Mandate population may suggest that they resemble an offending population more than Batshaw Youth and Family Centres' general population at large, which is primarily made up of Youth Protection cases.

The ethno-racial make up of our population was 50% Caucasian (N = 39/84), 30 % Black (N = 24/84) and 20% which were divided into smaller groups. At first glance, a result of 1/3 of the population being black may seem high. However, given that we have no other comparative group, it could not be said that this ethno-racial group is in fact over represented. Only 78 respondents were used for this calculation, as the ethno-racial status of six youths remained unknown.

A verification of the type of contact Dual Mandate youths had with their parents, and who had legal custody over them revealed that, 47% (N = 36/76) of the population maintained continuous contact with both parents; 48% had no contact at all with their fathers (N = 37/76) of which 76% (N = 28/37) were males. The responses from 76 case files were used for the above calculation, as the status of eight files was unknown at the time of the data collection. We also observed that mothers had sole legal custody in 46% (N = 39/82) of cases (for 2 youths, the legal custody remained unknown).

As a means of comparison, we reviewed data presented by Statistics Canada on marital status, families, dwellings and households from the Census year 2001. Unfortunately, we have no data on Batshaw Youth and Family Centres' general population with respect to single parent homes. The best possible scenario was to compare our population with that of the general population that appeared to be the closest equivalent of that district. We chose the Westmount, Ville-Marie district as it relates to the Batshaw Dual Mandate population. We noted that out of 20,445 (20% sample data) Census families in private households, 16,995(83%) were coupled families and 3,450 (17%) were lone parent families. Furthermore, we observed that female parents headed 83% (2,875) of the lone parent families. In comparison, the data on our Dual Mandate population revealed that 46% of youths' mothers had sole custody and 48 % of these youths had no contact with their fathers. Therefore, it can be concluded that our Dual Mandate population has a much larger percentage of lone parent families than the census population

for the same district. In other words, our population displays a much higher rate of broken families than the general population.

Of noteworthy importance, is that in almost half the cases, youths' fathers were absent from their lives. It was interesting to note that in a population where boys were recorded as over-represented, we observed that only 1/3 of these cases involved male youths and more surprisingly, 2/3 of the cases involved female youths. How can the absence of fathers be accounted for in so many cases? Two causal relationships may exist to explain this phenomenon, its plausible effects on our Dual Mandate population, and how it may lead to later delinquency and offending behaviour in youths. On one hand, situations may have existed where the youths' fathers were uninvolved with the youths in question and this absence may have in some way contributed to the child being subjected to interventions under both the Youth Protection and Young Offenders laws. Secondly, it may also be possible that the fathers were removed as a part of a Youth Protection measure and thus absent. Why then, is the absence of fathers from the lives of Dual Mandate youths considered noteworthy? Frechette et Leblanc (1987: 153-155) touched upon this subject when they conducted their research on variables associated with delinquency. They discussed the notion of the absence of fathers as a variable that may be linked with delinquency in adolescents. They stated that if adolescence is a period marked by the consolidation of identities and the search for autonomy, identification with a same sex role model is important. This role model will in turn help the adolescent build his or her future and its absence may be a possible obstacle to the evolution of the adolescent's identity. Their observations go on to explain that delinquent youths often suffer from

identity problems that make them vulnerable to negative influences. Furthermore, this trend is often noticed when there is a lack of supervision and minimized affection by the father. This notion is reflected in the lives of our Dual Mandate population. As stated previously, in almost half the Dual Mandate cases researched in our study, youths had no contact with their fathers. This group has also been noted as having serious behavioural problems, and for their offending behaviour. This association of adjustment problems and the absence of father reported in other research is reflected in this study, in the same manner. However, this possible interpretation does not explain the over-representation of girls amongst youths who had no contact with their fathers, an observation for which we have no explanation to offer.

Many of the variables analyzed in this research were chosen to shed light on situations that created the Dual Mandate population under investigation. We looked at family background information to establish any possible connections between family dynamics and being a member of our Dual Mandate population. We considered the notion of parental substance use a factor that may have contributed to creating such a population (Brunelle, N., Cousineau, M.-M., and Brochu, S., 2002). During the data collection phase of this research, any dossier that discussed the use of substances by parents was included in this calculation. There was an indication of alcohol use by parents in 19% or 1/5 of the files. Drug use was observed in 23% of the files researched, which is almost ¼ of the population. These findings must be viewed as *minimums*, given that the history of parental substance use in many of the dossiers remained unknown. The dossiers did not report the extent of substance use, but one may reasonably

assume that it had to reach some degree of significance to have been reported. These data thus reinforce the notion that we may be dealing with families with difficulties.

An understanding of sibling involvement with Youth Protection and/or Young Offenders services can also support a better comprehension of the lives of Dual Mandate youths and the situations that make them susceptible to becoming members of this group. At some point during their involvement with either law, at least 44% of our population (N = 37/84) had siblings involved with Youth Protection services. At first sight, this statistic may appear to be a high percentage; however, no other figures were available regarding Batshaw Youth and Family Centres' overall population as a means of comparison. We noted that gender may play a role in this respect; 62% (N = 13/21) of females had siblings involved with department of Youth Protection where as a smaller percentage 38% (N = 24/63) of males had siblings that were involved under the same mandate. We were only able to locate 4 cases or roughly 5% percent that revealed sibling involvement with Young Offenders services. We questioned why such a difference would exist between the percentage of siblings known to either service and we considered the following two explanations. On the one hand, there may simply have been only four cases where Young Offenders services was aware of sibling involvement among our Dual Mandate population. However, having done the data collection at Young Offenders services, another explanation seemed more likely. When a youth becomes involved with the department of Youth Protection, the whole family is usually considered part of the intervention process including parents, guardians and siblings. However, the converse is not

true with respect to Young Offenders services. A youth at Young Offenders services, as would be the case for an adult under criminal law, is considered to be the offender and as such, the intervention practices surround the youth and not the family. It is likely that there were more siblings involved with Young Offenders services than recorded; however, for many cases, there was no record of involvement in either service located in the Young Offenders dossiers. We did obtain information pertaining to siblings involved with Young Offenders services noted in the Youth Protection files whereas this same information was absent from the Young Offenders files. It is for this reason we believe such a difference was observed in the findings.

3.2 Child functioning and behavioural characteristics

Prior to discussing any child functioning and behavioural characteristic findings, it is noteworthy to identify when youths were first known to either system to clarify at what age youths were recorded as having protection issues and/or criminal histories. Although youths may have begun offending prior to the age of 12, information about any unofficial criminality prior to this age would have only become available if it were noted in a Youth Protection dossier.

Table I
Age first known to the system

	Frequency	Population	Cumulative
0 to 6 Years	15	17.9%	17.9%
7 to 11 Years	19	22.6%	40.5%
12 to 13 Years	15	17.9%	58.3%
14 to 15 Years	35	41.7%	100.0%
16 to 17 Years	0	0.0%	100.0%

M=10 yrs 10 mths
Md= 13 yrs 2 mths

Table I denotes the age at which the Dual Mandate population was first known to either Youth Protection or Young Offenders services. We found that 40% of children were known to the system under the age of 12. Thus 2/5 of the population experienced serious difficulties at a very young age. As could be expected, youths become involved with child welfare agencies (Batshaw Youth and Family Centres) at an earlier age than juvenile justice agencies (Young Offenders services) as they can not be legally charged with a crime prior to 12 years of age. Not surprisingly, almost ½ the youths (48%) were known to the department of Youth Protection before the same age of 12. To the other extreme, the majority of cases (80%) were known to Young Offenders services between 14 and 15 years of age, whereas at the same age only 1/3 were known to the department of Youth Protection. An important number of youths (40%) were first known to either system between 14-15 years of age. This does not mean they only began experiencing difficulties at this age. Despite the fact that they were first known to either system at this age, at least some of them might have needed interventions prior. We also see from this table that no youths were first known to the system at 16 or 17 years of age. This is not very surprising from a social service standpoint, as we expect to learn about behavioural difficulties prior to this age. For table I, the mean is lower than the median given that 17% of the population was known before the age of 2 years and thus lowered the mean.

Table II
Age at first recorded offence

	Frequency	Population	Cumulative
12 Yrs of Age	7	8.3%	8.3%
13 Yrs of Age	22	26.2%	34.5%
14 Yrs of Age	30	35.7%	70.2%
15 Yrs of Age	23	27.4%	97.6%
16 Yrs of Age	2	2.4%	100.0%
17 Yrs of Age	0	0.0%	100.0%

M=14.37yrs
Md= 14.35

Table II displays at which age our population's first recorded offence was identified. It is interesting to note that 8% of the population was noted for first offending at age 12 and only 2% at 16 years of age. The majority of first offences among our population was said to have occurred at age 14 and approximately the same ratio is seen with females (38%) as with males (35%).

Many facets of a child's life may influence their behaviour. Why is child functioning data or details about a youth's behavioural characteristics relevant to a study on youths subjected to both Youth Protection and Young Offenders mandates? We intend to answer this question with the information that follows.

Our analysis of child functioning data revealed that at least 20% of the Dual Mandate population was diagnosed with a mental illness, 17% with some form of learning disability and 13 % as having a physical disability. These categories are not mutually exclusive. Further investigation uncovered a male predominance of over 90% in each of these three areas. One possible explanation for this may be that when boys exhibit acting out behaviour, the above-mentioned diagnoses might be made resulting in a suggested prescription of medication to contain and

control this very type of behaviour. The diagnosis and subsequent use of medication could have occurred prior to or resulting from a *signalement*. Regardless, we did not see this same trend with the females in this study. A lack of representation of the same among females may be explained by the fact that females are socialized in different ways and as such, their behaviour may be controlled differently than their male counterparts.

A cross tabulation of child functioning variables and the second act in application highlighted some differences in the rationale behind each specific law. In our study, youths first known to the department of Youth Protection were those more often identified as having learning disabilities, and suffering from mental illness and physical disabilities than those first known to Young Offenders services. One question that arises from such data is whether youths first subjected to interventions under the Youth Protection Act actually suffer more often from these types of disabilities. Alternatively, can such data simply reflect the type of information that is compiled and recorded during the Youth Protection process?

It is understood that the Youth Protection Act is a law aimed at a specific group, children whose security and/or development is endangered. In any protection situation and at each step of the considerable range of services, the decision-making and record keeping processes result from elements and circumstances surrounding the youths' lives. The child's vulnerability and the exercise of parental responsibilities are two such elements. It should then come as no surprise that details concerning the child's physical and mental state would

be reflected in protection dossiers more often than criminal dossiers located at Young Offenders services, where information often tends to focus on the youth's offending behaviour and less on personal or family data.

A similar analysis was carried out on behavioural characteristics and the second act in application. No particular differences were noted regardless of the variable selected or the order in which the Acts were first implemented. This may simply be explained by the fact that behavioural traits are often the elements that draw the attention of both Youth Protection and Young Offenders services, whereas child functioning characteristics are more likely to be noticed first as protection issues rather than reflecting criminal concerns.

Other information present in the dossiers about the youths' behavioural characteristics was also noted and the following minimums emerged. We had to consider these statistics as *minimums* because at the time of data collection the information was unavailable in several dossiers.

- 85% of youths were said to have demonstrated defiance of authority;
- 79% of youths were said to have experienced difficulties with their behaviour at school;
- 55% of the Dual Mandate population was said to have been involved in some form of unofficial criminality.
- 50% of the Dual Mandate population was said to have used drugs at some point prior or during their involvement with the either service;
- 44% of youths were said to have associated with negative peers;

- 36% were said to have been absent without leave (left their residence without permission and did not return) during their involvement with either service.

It is interesting to note that gender was not associated with most of the behavioural characteristics, unlike what was seen with the male dominated dimensions of child functioning. To our surprise, we did find a high percentage of females 71% (N = 15/21) that were noted as defying authority. One might have expected to find more males than females involved with either service identified as defiant of authority; however, in this investigation our analysis indicated that females were more often reported as displaying this type of behaviour. It may simply be possible that given this type of behavioural characteristic is less expected with females, a worker's attention may have been more easily drawn to it in the girls' cases, resulting in more notations in the dossiers of female Dual Mandate youths. As expected, the unofficial criminality variable was male dominated at 80%.

Child functioning and behavioural characteristics data were also collected qualitatively. In the three instances where youths were first known to Young Offenders services, the dossiers discussed issues concerning:

- the youths having Attention Deficit Hyperactivity Disorder and using Ritalin to control behaviour;
- defiance of authority and academic difficulties;
- the youths displaying uncontrollable behaviour and allegations of drug abuse and drug dealing;

- the youths involved with negative peers.

One might argue that such notations in the Young Offender dossiers could be viewed as potential indicators of future Youth Protection involvement. In such instances, should a Young Offenders delegate aware of serious behavioural problems with a youth be able to intervene under the same mandate rather than *signaling* the case to the department of Youth Protection? To approach such a question it is important to consider the way the delegates perceive their roles as influenced by the organizations that administer both Acts. When the second act (Youth Protection) was applied, new information became available in these three dossiers that was not already present in the dossiers open under the first law (Young Offenders). Information related to family background and lifestyles, criminality and drug use was noted in the Youth Protection dossiers. An understanding of the youths' backgrounds is necessary to appreciate the motives behind the youths' offending behaviour. To our knowledge, this type of psychosocial information seems rarely present in Batshaw Youth and Family Centres' Young Offenders services dossiers, further reinforcing the apparent tension that exists between the applications of both acts. In other words, the concerns are different at Youth Protection and Young Offenders services and this difference is directly related to the perceived respective mandates of each specific Act. The mandates in turn limit the admissibility of each case under each Act. Should a criminal dossier that reflects serious behavioural concerns be reviewed under the guise of a Youth Protection mandate prior to interventions under the Young Offenders Act? Perhaps this question raises another one: Can Young Offenders services attend to all serious behaviour problems when a youth is

under its jurisdiction? The answer seems to be a negative one. Behavioural problems have to be clearly associated with the youth's offending behaviour in order to be dealt with by Young Offenders services. If the connection is not clear, it appears that a *signalement* under the Youth Protection Act is felt necessary to legitimate any intervention that is viewed as falling outside a Young Offenders mandate.

The topic of unofficial criminality is also worthy of further discussion given that it may be an indicator of future involvement under a Young Offenders mandate. As illustrated above, a minimum of 55% of our Dual Mandate population was involved in some form of unofficial criminality while under a Youth Protection mandate. A qualitative analysis of this variable revealed that youths first known to Youth Protection services were involved in unofficial criminal incidents such as stealing and shoplifting, chronic drug use and gang activity.

In cases where no unofficial criminality as described above was reported, there were however notations of impending behavioural problems perceived as leading to criminality such as:

- a child was *signaled* for circumstances of physical abuse and the Youth Protection delegate recommended on numerous occasions individual counselling to combat the threat of future aggressive behaviour;
- a dossier made reference that the youth was the witness to alleged conjugal violence and as a result was very aggressive;

- a dossier reflected the youth's association with negative peers, discussed ongoing aggression towards peers in school, and the use of marijuana.

Can incidents and/or indications of unofficial criminality be used to impact prevention strategies geared at decreasing future criminal behaviour among youths? In order to answer such a question it would be important to understand whether the application of the second law, in this case the Young Offenders Act, could be seen as related to or resulting from some process involving the application of the first law (being the Youth Protection Act). When the Young Offenders Act was the second act in application for the Dual Mandate youths in our study (which occurred in most cases), no conclusive association could be drawn between the applications of the first and second acts. However, in most cases retained for our qualitative analyses, the Youth Protection dossiers did make reference to behavioural problems in the community and behavioural issues with the youths as a major concern. The files also noted youths having had difficulty with direction and authority, and in certain cases, youths' aggressiveness was discussed. In certain dossiers, new information became available when the second act, in this case the Young Offenders Act, was put into application that was not already present in the dossier that was open under the first law (Youth Protection Act). Information regarding the circumstances of the alleged offence became available and was noted, as well as the youth's attitude towards the offence. Opinions from the second worker involved with the Dual Mandate youths offered details about the youths' involvement in the offences and whether or not the youths minimized their behaviour related to the offence. In some situations when the families were already known under the first law (Youth

Protection Act) and were contacted by a new delegate under the second law (Young Offenders services), the family was reluctant to co-operate as they already had a delegate assigned with respect to the first law. Based on such information one might conclude that even though new information becomes available resulting from the implementation of a second law, the ability to intervene involving any circumstance under the one law (the first law), is limited to an adherence of strict and specific mandates.

The aim of this chapter was to obtain a concrete picture of the youths involved in our research. Demographical information and family dimensions were included to broaden the readers' understanding of our Dual Mandate population's background. Child functioning and behavioural characteristic data were also reviewed. It was intended to situate the reader in the lives of the Dual Mandate population, by including time frame tables that pinpointed when events were recorded in our youths' histories. The above statistics revealed that the Dual Mandate youths in this research are a group of individuals who experienced many developmental problems during their childhood. Many of them lived in homes headed by their mothers and had no contact with their fathers. It was also noted that some of their legal guardians were individuals who used drugs and alcohol. Many of the youths' siblings also experienced difficulties, being noted as having had Youth Protection involvement as well. The information recorded gave way to indications of future involvement with a second law, which will be discussed further in chapter five. By and large, the reader was offered an indication of who is a Dual Mandate youth. Chapters four and five will provide insight into the actual mandates of both laws and the processes that are an

integral part of the Dual Mandate youths' daily lives. We proceeded in presenting the research findings in this manner as it lends to a complete comprehension of the subject matter.

Chapter four

The intervention process prior to the Dual Mandate period

The intent of this research project was to gain an understanding of the Dual Mandate population and the intervention processes associated with this group. The previous chapter provided demographical information in order to describe who these individuals were, including relevant details about themselves and their family histories, that could justify their inclusion in the Dual Mandate population. The following two chapters will highlight the intervention process prior to the application of the second act (Chapter 4) and during the period when both mandates were in effect (Chapter 5). In order to describe the intervention processes specific to the Dual Mandate population, we decided to investigate trends that may have developed among this group, in relation to the interventions they were subjected to under one law, and then both laws. The sections that follow will highlight the intervention process at different stages of a youth's involvement with the Youth Protection or Young Offenders services, prior to the Dual Mandate period.

4.1 Duration in the system prior to the application of the second act

The number of months Dual Mandate youths were known to either system prior to the implementation of the second act, is important to this study. It provides the reader with an indication of who these youth were and what their experiences included, prior to the interventions of a second mandate law.

Table III**Duration in the system prior to the application of the second act**

	Frequency	% Population	Cumulative
0 to 5 Mths	27	32.1%	32.1%
6 to 12 Mths	10	11.9%	44.0%
13 to 24 Mths	7	8.3%	52.4%
25 to 36 Mths	9	10.7%	63.1%
37 to 48 Mths	7	8.3%	71.4%
49 to 60 Mths	3	3.6%	75.0%
61 to 120 Mths	7	8.3%	83.3%
121 to 190 Mths	14	16.7%	100.0%

M=3 yrs 8 mths,
Md= 1 yr 7 mths

Table III identifies the amount of time, calculated in months, which youths in our Dual Mandate population were involved with a first law prior to the implementation of a second mandate. The number of months was calculated as of the date when a first service (either Youth Protection or Young Offenders) was put into operation, up until the time the youths became known under the second service. The mean is identified as three years and eight months. It is much higher than the median identified, one year and seven months. This was caused by the noted 14 cases that were involved with the first law for over 10 years (120-190 months) and as such raised the mean. The table also denotes that nearly half the population (44 %) received services for a period of one year or less and one third of the population (32%) received services for less than six months. It appears that although interventions were put in place to rectify situations involving youths under a first Act, the interventions under the second mandate were nonetheless required and necessary within six months, in 27 of the cases.

Furthermore, 25% of the population received services for five years and 17% for ten years or more. This suggests that a non-negligible portion of the population was made up of youths who required long-term interventions, thus suggesting that their situations were particularly problematic. Yet, the population remains heterogeneous in the sense that interventions prior to the Dual Mandate period lasted for quite variable periods. It was also noted that no particular differences were found between males and females as to the duration of interventions prior to the Dual Mandate period.

In comparison with Batshaw Youth and Family Centres' general population for the same year, our statistics suggest that the Dual Mandate population appear more problematic. Batshaw Youth and Family Centres' Annual Report indicated that the average length of intervention at the *Applications des mesures* stage for the year 2002-2003 was two years, compared with our population whose average months in the system was three years and eight months. This suggests that the youths in our study have been involved with a system on average one year and eight months longer than Batshaw Youth and Family Centres' general population. Moreover, the centres' statistic is based on cases that were closed during that same year whereas our files remained open at time of calculation. Therefore, the average length of interventions among our population would have been even greater than three years and eight months if this variable had been calculated in the same way that Batshaw Youth and Family Centres recorded their average length of intervention at the *Application des mesures* stage. In the end, the data suggests that a significant percentage of youths involved in our study have

experienced very serious problems that led them to be the subject of interventions under a first law for an average that is much longer than the general population.

4.2 Introduction to the intervention process

The receipt of a *signalement* in Youth Protection cases initiates an intervention process and an offence or breach of court ordered measures would do the same in Young Offenders dossiers. The subsections that follow discuss these processes in detail in relation to the lives of our Dual Mandate population.

4.2.1 Signalements

Youths can be known under one or multiple paragraphs of section 38 of the Youth Protection Act. The paragraphs are enumerated below to facilitate the comprehension of the subsequent analysis. The security and development of a child is considered to be in danger according to section 38 of the Youth Protection Act when:

- “(a) his parents are deceased or do not, in fact, assume responsibility for his care, maintenance or education;
- (b) his mental or affective development is threatened by the lack of appropriate care or by isolation in which he is maintained or by serious and continuous emotional rejection by his parents;
- (c) his physical health is threatened by the lack of appropriate care;
- (d) he is deprived of the material conditions of life appropriate to his need and to the resources of his parents or of the persons having custody over him;
- (e) he is in the custody of a person whose behaviour or way of life creates a risk or moral danger for the child;
- (f) he is forced or induced to beg, to do work disproportionate to his capacity or to perform for the public in a manner that is unacceptable for his age
- (g) he is the victim of sexual abuse [gs] or he is subject to physical ill-treatment through violence or neglect [gp] ;

(h) he has serious behavioural disturbances and his parents fail to take the measures necessary to put an end to the situation in which the development and security of their child is in danger or the remedial measures taken by them fail.”

Section 38.1 of the Youth Protection Act also covers situations where the security and development of a child may be endangered. It refers to the following circumstances:

“(a) he [the child] leaves his own home, a foster family, a facility maintained by an institution operating a rehabilitation centre or a hospital centre without authorization while his situation is not under the responsibility of the director of Youth Protection;
(b) he is of school age and does not attend school, or is frequently absent without reason;
(c) his parents do not carry out their obligation to provide him with care, maintenance and education or do not exercise stable supervision over him, while he has been entrusted to the care of an institution or foster family for one year”

There were *signalements* among our Dual Mandate population that made reference to youths leaving home without permission (paragraph 38.1(a)) and truancy (paragraph 38.1(b)). However, in these same instances the youths were also *signaled* under paragraph 38 (h) (serious behavioural disturbances), as the primary reason for being *signaled*. Therefore, situations in section 38.1 were never retained as primary motives for *signalements*, which explains why the text below includes only references to situations covered by section 38.

Both Youth Protection and Young Offenders interventions and measures are directly oriented in relation to the laws for which *signalements* and charges occur. Accordingly, an awareness of the number of times youths were signaled and/or charged and the circumstances surrounding the corresponding interventions would broaden our understanding of the related processes. A series of questions

and answers directly follow this section to facilitate the comprehension of the data presented.

How many times were youths *signaled* and under which paragraph(s) of section 38 of the Youth Protection Act were they *signaled*, prior to Dual Mandate period?

Prior to the application of the second act, 52% of youths were *signaled* only once; 48% of youths were *signaled* more than one time and the greater the number of *signalements* during one period, the lesser the number of cases were noted. Regarding this variable, the median was 2 and the mean was 3.3. A limited number of extreme cases raised the mean.

When reviewing most of the Dual Mandate cases, it should be noted that regardless of gender, the majority of youths were *signaled* under paragraph 38 (h) (serious behavioural disturbances), or a combination of paragraphs 38 (h) and 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) of the Youth Protection Act. These types of *signalements* involve an alleged risk associated with some serious behavioural problems and/or denoting that the risk emerged from the lack of parental responsibility and parental lifestyle. There are some cases that were *signaled* for reasons other than the above-mentioned; however, the frequencies remained so small that it became difficult to make any other assumptions. As illustrated above, when dealing with our Dual Mandate population there was a concentration of cases that were *signaled* under paragraphs 38 (h) and 38 (e) of the Youth Protection Act. Thus, the Dual

Mandate youths can be considered a specific group of individuals with specific needs, that may not be satisfied with the interventions of solely one law and thus, requiring interventions from both.

A qualitative review of the types of situations that necessitated the application of the Youth Protection Act as a first law supported the quantitative data discussed in the above section. Out of the total sixteen files first known under the Youth Protection mandate, fifteen were either *signaled* under paragraph 38 (h) (serious behavioural disturbances) or paragraph 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) or a combination of both paragraphs.

The types of situations that led to a *signalement* under paragraph 38 (h) or paragraph 38 (e) or a combination of both paragraphs were:

- parents had struggled with personal issues, addictions, and criminality to varying degrees necessitating the intervention of Youth Protection services since their child was a toddler. The youth had also developed personal issues of his own including poor coping skills, anger management difficulties, drug and alcohol dependence and criminality;
- a mother left her children at home alone without making appropriate arrangements for them and did not return. Furthermore, a few months prior the mother left her home for six days and at that time, her whereabouts remained unknown. The father had also been previously *signaled* as a perpetrator of physical abuse and therefore was unable to

care for the children, in the absence of their mother, due to previously restricted contacts and visits;

- a parent and youth moved in with a friend they met only one month prior. Shortly thereafter, the parent's whereabouts remained unknown. The friend who watched over the youth was later accused of molesting the child;
- the youth had experienced academic difficulties, and was also considered defiant of authority and verbally abusive. The youth was noted to use drugs daily, had been expelled from several high schools, and was said to have associated with negative peers;
- the youth was said to consistently steal money, break house rules and his parent lacked the appropriate parenting skills to deal with the youth's defiance;
- the youth displayed serious behavioural problems, was defiant of authority, experienced academic difficulties, and bullied and threatened others. The youth also demonstrated inappropriate behaviour in the community and his parents minimized his behaviour;
- the dossier revealed that the youth frequently ran away from home. The youth was also described as defiant of authority figures and involved with thefts. Drug use was also observed. The youth was reported missing and was subsequently *signaled* as a result;
- the youth displayed serious behavioural problems and was characterized as physically aggressive. The youth was suspected of being part of a gang, fixated on violence and experienced suicidal ideations;

- the youth ran away from home. A missing person's report was filed and the youth was found a few days later. The youth was only located because the police were called to the scene to charge him with shoplifting. He stole items and fled from the scene. The owner ran after him and held him down until police arrived. This is how the youth was located. This same youth was a suspect in an aggravated assault, in a breaking and entering, and had been charged by police officers for tagging on a bus and loitering near a school.

The examples illustrated above indicate a general trend among this population. Prior to the application of the second act, our Dual Mandate youths have experienced serious behavioural problems including many instances of defiance of authority and lack of respect for the law. Furthermore, although the behaviour may have appeared somewhat delinquent in nature and possibly considered an indication of future involvement in criminal activities, some of the youths' parents may have minimized their children's behavioural issues, and rejected the support of Youth Protection services that was initially put in place to alleviate these situations. We could then argue that even though interventions are put in place to alleviate serious behavioural problems of Dual Mandate youths and to safeguard against possible future criminality, the youths and their families must be prepared to engage themselves in the intervention process in order to rectify ongoing problematic situations. The rationale behind our Dual Mandate population becoming known to the department of Youth Protection appears to be different, to a certain extent, from the reasons deemed necessary for the general population of Youth Protection cases. Most of the youths in our research have

been *signaled* as a result of their own behaviour and not only as a result of something in their environment or some unliveable situation that has put them at risk, as seen with neglected and/or abused children. Therefore, it may be said that the youths' behaviour in our study is central to the purpose for implementing interventions under the Youth Protection Act as well as interventions for the corresponding cases involving offences under the Young Offenders Act. The youths in our study may therefore be considered, at least partly, actors contributing to their own destiny, and not seen only as mere victims of circumstances.

4.2.2 Offences and breaches

How many incidents was a youth arrested for prior to the application of the second act?

With respect to the number of incidents for which a youth was arrested (meaning each time an arrest report was filed) we noted that prior to the application of the second act 70% (N = 59/84) of youths were arrested at least once (M=1.42 and Md = 1.00). More specifically, when the Youth Protection Act was second act in application, 66% (N = 10/15) of the population had been involved in at least one illegal act. When the Young Offenders Act was second act in application almost 71% (N = 49/69) of the population had been involved in at least one illegal act. It is interesting that a similar statistic was found regardless of the order in which the laws were implemented.

We also considered the number of charges laid against a youth prior to the application of the second act as relevant information in understanding the intervention process related to Dual Mandate youths. When we calculated the number of charges for which a youth was accused of during one arrest (incident),

we found that when the Youth Protection Act was the second act in application over 53% (N = 8/15) of the population had been charged with at least one crime prior to its application. We further noted that as the number of charges laid against each youth during one arrest increased, the percentage of noted cases decreased. Furthermore, we noted that when the Young Offenders Act was the second act in application 50% (N = 35/69) of the population had been charged with at least one offence. 27% (N = 19/69) of the population were charged with two offences, and 14% (N = 10/69) were charged with three offences. This also indicates that the percentage of noted cases decreased, as number of charges per case increased. The results obtained regarding offences when the Youth Protection Act was the second act in application might have appeared puzzling at first glance. Logically 100% of the population should have been noted as being involved in at least one illegal act prior to the application of the second act or they could not have been considered part of the Dual Mandate population. However, these results were possible given that the date each police report was filed, was used to determine when each event took place. As such, an arrest could be reported prior or preceding the application of the second act, being either the Young Offenders or Youth Protection Acts, since the time of entry of any case in our population was not the date of the event itself (offence or threat to the security or development) or that of the police report, but rather the date that Batshaw Youth and Family Centres or their branch of Young Offenders services were given charge of the case, which occurred at a later date. This technique allowed the researcher to situate the event in relation to the time of the study. Furthermore, by asking the data specific questions and recording the answers according to when events took place, it was possible to yield statistics about the

offending behaviour, criminal records and crimes of the Dual Mandate population prior to Young Offenders services becoming involved with a youth. We admit that presenting data about young offenders prior to a youth becoming involved with Young Offenders services might have appeared puzzling as well. However, the following explanation was offered to relieve any ambiguity. From the time charges are pressed by the police to the time that Young Offenders services become involved with the youth and the actual "*prise en charge*" is put in motion, we contend that the child is already known to the police and as such has a criminal dossier available for review. Data specific to the number of incidents (arrests) a youth was detained for and the number of offences (Criminal Code violation) for which a youth was charged, was considered information related to events that took place prior to involvement with Young Offenders services. For this reason, our findings produced information about offending behaviour and a youth's criminal involvement in illegal acts, prior to the implication of Young Offenders services. Interestingly, another point can be raised in relation to the awareness of a youth's criminal behaviour prior to the involvement of Young Offenders services. There were dossiers in this study that were first involved with the department of Youth Protection and during this same time, an alleged crime was committed by the same youth. In these specific instances, the Youth Protection delegate was made aware of the youth's criminal act prior to the implementation of Young Offenders services. When this was the case, why was the mandate of the Youth Protection Act insufficient in satisfying the intervention needs of the offending youth? Furthermore, in such a situation, if the youth was under a Youth Protection mandate and pending Young Offenders interventions,

what could be done to *responsibilize* the youth for his criminal behaviour while awaiting Young Offenders services reaction?

It is important to note that breaches of probation orders were not included in the above calculations regarding offences. Why is it noteworthy to look at breaches charged with when studying a Dual Mandate population? The importance lies in the fact that breaches are specific to previous offences for which the youth had already received a measure, but did not comply. Being charged with a breach therefore suggests an inability on the part of the Dual Mandate youths to adhere to Young Offenders interventions previously put into effect. This may further highlight the special needs of the offender and perhaps then offer additional insight as to why interventions under one act were unable to respond to the needs of the youths. When the Youth Protection Act was the second act in application, 20% (N = 3/15) of youths were charged with breaches of a Young Offenders measure. Similarly 14% (N = 10/69) of youths were charged with breaches prior to the application of the second act when the Young Offenders act was the second act in application. Regardless of which act was the second act in application, prior to the application of the second act, 15% (N = 13/84) of cases involved breaches of which 92% (N = 12/13) were imposed on males.

4.2.3 Types of crimes

As a part of this analysis, we also chose to record and analyze the types of offences Dual Mandate youths were charged with, prior to the application of the second act. 40% (N = 6/15) were charged with property crimes and 26% (N = 4/15) were charged with crimes against persons, when the Youth Protection Act

was the second act in application. Similarly, when the Young Offenders Act was the second act in application, 35% (N = 24/69) of youths were charged with property crimes and 35% (N = 24/69) were charged with crimes against person. As referred to earlier in the text, it was possible to offer data on young offenders prior to the application of the Young Offenders Act, based on the police arrest date. Our calculations regarding when an arrest was made was based on the official recorded arrest date noted in the dossiers. In all cases, the arrest date occurred prior to the involvement of Young Offenders services. Irrespective of which act was the second act in application, there appeared to be no particular difference in the types of crimes committed by a Dual Mandate youths. On the other hand, gender did appear to play an important role in the analysis in that, males were said to have perpetrated 83% (N = 25/30) of all property crimes and 60% (N = 17/28) of all crime against the person. We also found it interesting that, conversely, females were said to have committed 40% (N = 11/28) of all crimes against persons. Does this suggest that females and males among a Dual Mandate population are generally more aggressive than youths that were dealt with only under the Young Offenders Act? Or, could this be a reflection of criminal code classifications for incidents such as bullying, taxing, threats against others, which were often noted in these dossiers, and as such, classified as crimes against persons committed by youths in our study?

In this research sample there were only three dossiers first known to Young Offenders services that were analyzed qualitatively. The data revealed that in one instance, a youth was charged with conspiracy in relation to a shoplifting offence. The youth opened a package with a sharp object and handed the contents to an accomplice, who then fled the scene. In the second dossier, the youth was

charged with possession of marijuana. In the last case, a youth broke into a house with intent to steal.

Given the limited number of cases reviewed qualitatively, no concrete trends or conclusions can be drawn from the data. However, one might question that if the types of offences (in the three dossiers discussed above) appear to be related to the serious behavioural problems reflected in the Youth Protection *signalements* data described earlier in this chapter, why then could Youth Protection services not be considered as an alternate route of dealing with these youths, instead of requiring interventions under a Young Offenders mandate?

This section provided an overview of situations that led youths to be known to the department of Youth Protection and Young Offenders services prior to the Dual Mandate period: 52% of youths were *signaled* only once, however, a noted 48% were signaled more than once. A qualitative and quantitative analysis was performed on the dossiers and the results obtained indicated that, the majority of cases were *signaled* under paragraph 38 (h) (serious behavioural disturbances) or paragraph 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) or a combination of both under the Youth Protection Act. The circumstances leading up to the *signalements* under paragraph 38 (h) included problems related to anger control, drug and alcohol dependence, academic difficulties, and defiance of authority figures. Situations related to paragraph 38 (e) included, parents leaving their children alone for several days without making arrangements for their care. In these instances, parents seemed to minimize the youths' serious behaviour problems or at times, created the risk. Furthermore, it

was established that the youths' behaviour was central to the reason deemed necessary to *signal* the case.

Prior to the second act, 70% of Dual Mandate youths were arrested at least one time. We also noted that 53% of the Dual Mandate population had been charged with at least one offence prior to the application of the second act. There was a negligible difference in the types of crimes committed by youths, regardless of which act was first in application. However, gender appeared to be relevant, in that females were noted for committing 39% of all crimes against persons. These cases reinforce the notion that prior to the application of a second act, a large percentage of Dual Mandate youths display serious behavioural problems and are often involved in criminal activities.

4.3 The measures

Depending on the type of dossier, Youth Protection and Young Offenders interventions involve the receipt of court ordered and/or voluntary measures as well as alternative or court imposed measures. The following subsections discuss the nature of such measures, and highlight the types of measures typically received under both acts.

4.3.1 Youth protection measures

Out of the total 84 known Dual Mandate cases in our population, youths were first subjected to measures under the Youth Protection Act in 69 of the cases (82%). Young Offenders services was first involved with Dual Mandate youths in 18% of all cases (N = 15/84).

When looking at variables related to Youth Protection interventions, prior to the application of the second act, we observed that:

- 69% or more than 2/3rds of the total population received youth protection measures, of which 25% were females and 75% were males;
- when the Young Offenders Act was the second act in application 84% of the population was either already under an existing department of Youth Protection measure or received a new measure. The 16% of the population that were not yet under a department of Youth Protection measure, had not yet reached the *Application des mesures* stage of the process and as such, were pending measures. A minority (23%) of the cases had been assigned voluntary measures, and a majority (77%) was assigned court ordered cases or a mix of both.

A verification of our qualitative sample prior to the application of the second act indicated that all the Youth Protection intervention stages were necessary in more than half the cases (N = 9/16). In other words, Dual Mandate youths were often involved at all the intervention levels including RTS, (*Réception et traitement du signalement*), Evaluation-Orientation, *Application des mesures*, and successive review stages. Furthermore, our records revealed that three additional cases had only reached the *Application des mesures* stage at the time of our study, which would have required a review of measures pending every six months. Therefore, the fact that every stage of the intervention process itself was required to alleviate risk factors associated with a majority of Dual Mandate youths is an indicator that, we are dealing with a complex population requiring long interventions. The need for the application of measures in a Youth Protection

dossier is specific to each case *signaled*. The types of measures applied are thus, a product of the situations that led the youths to become known under the law.

4.3.1.1 Intervention measures

Given the above statistics, it was also important to understand what types of measures were imposed on the Dual Mandate population and what were the desired outcomes of these measures. As stated earlier in the chapter, most of the qualitative sample (N = 15/16) was *signaled* under some combination of paragraph 38 (h) (serious behavioural disturbances) and paragraph 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) of the Youth Protection Act.

Our qualitative sample provides a fairly good image of the imposed and/or agreed upon measures under the Youth Protection Act. In cases *signaled* under paragraph 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk), examples of the most common or typical measures were:

- youths may be entrusted to a foster home with progressive re-integration;
- parents should refrain from all forms of physical violence;
- parents should participate regularly in counselling and follow the recommendations of the treating physician;
- youths should participate in individual counselling;
- the department of Youth Protection should determine contacts between youths and parents;
- aid, counsel, and assistance should be provided to the family for a specific period of time determined by the department of Youth Protection.

Examples of the most common or typical measures associated with cases *signaled* under paragraphs 38(e) (in the custody of a person whose behaviour creates a moral or physical risk), and 38 (gs) (sexual abuse of a youth) (both paragraphs used in each case) of the Youth Protection Act were:

- youths should be entrusted to the care of a non-abusive guardian;
- the guardian should ensure that the youth would never be left alone or in the care of the abuser;
- the abuser should engage in individual and/or group therapy in order to address the sexual abuse or physical abuse issues, and abide by the therapist's recommendations;
- youths should be enrolled in individual and/or group therapy and that the guardian should ensure that the recommendations of the psychological assessments are followed;
- the guardian should refrain from any physical discipline of the youths;
- the delegate should remain in regular contact, through announced and unannounced visits, with the family in order to monitor whether all the conditions are being met;
- access should be given to the Director of Youth Protection to verify that the abusers have complied with, and progressed in therapy;
- aid, counsel, and assistance should be provided to all family members for a specific period determined by the department of Youth Protection.

Examples of the most common or typical measures associated with cases *signaled* under paragraphs 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) and 38 (gp) (physical abuse of a youth) were:

- a foster placement could be required until the age of majority;
- a psychiatric assessment could be required to assess the need for medication;
- psychotherapy could be required;
- the frequency and contacts between youths and parents should be determined by the department of Youth Protection;
- aid, counsel, and assistance could be required until the age of majority.

Examples of the most common or typical measures associated with cases *signaled* under paragraphs 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) and 38 (h) (serious behavioural disturbances) (both paragraphs used in each case) were:

- the parents should not denigrate each other or engage in conflict in front of youths;
- the youths should attend school;
- youths should respect house rules;
- the parents should collaborate fully with Youth Protection services;
- the youths should engage in counselling or therapy to deal with personal issues;
- the youths should undergo a drug abuse assessment and follow through with the recommendations;

- the youths may be entrusted to either parent or a rehabilitation centre for a specific period of time. This generally accompanied a recommendation that the Director of Youth Protection determine the frequency and modalities of visits between youths and their parents. This measure was also generally followed by a reintegration of youths into the home, if the situation allowed;
- aid, counsel, and assistance should be provided to the family for a specific period of time which should be determined by the department of Youth Protection.

Examples of the most common or typical measures associated with cases *signaled* under paragraph 38 (h) (serious behavioural disturbances) were:

- the youths could remain at home with parents and/or guardian or receive a placement order for specific period of time with re-integration;
- the youths should respect parents' authority and refrain from verbally abusive behaviour in the home;
- the youths should attend school regularly, abide by the rules, and actively participate;
- the youths should refrain from the use of drugs and alcohol;
- drug and alcohol assessment of youths could be required, and youths should actively participate in any recommended treatment program;
- the youths may be required to undergo random drug testing;
- the youths should be involved in Psychotherapeutic services;
- the youths should be involved in an Anger Management Program and follow the recommendations;

- the parents should ensure that youths participate in their Psychological or Academic assessment, and follow through with all recommendations provided;
- the family could be assessed by specific Residential Treatment services program, and participate if they are accepted;
- respite could be part of a clinical intervention;
- the family should meet with the Youth Protection delegate as requested;
- the delegate should empower parents to work as a team with firm expectations and consequences for their youth;
- the youths should respect the rules, expectations and consequences at home and at school;
- the frequency and modalities of contacts between youths and parents should be determined by the department of Youth Protection;
- aid, counsel, and assistance should be provided to all family members for a specific period determined by the department of Youth Protection.

Some of the measures imposed on the youths in our study are protective in nature. They tend to be defined in a way that places expectations upon people whose role is to protect the youth, such as parents. Others are directed at controlling, and effecting change to the youths' behaviour. These types of measures tend to impose requirements on the youths, as to expectations he or she should meet, behaviour he or she should adopt and tasks he or she should perform. The above examples indicate that protective measures are most likely to be imposed on youths whose cases were *signaled* to the department of Youth Protection for instances such as parental neglect, and/or abuse. Such measures

should, in a sense, protect the youths from their environment and ensure that guardians do not take their responsibilities lightly. On the other hand, a control measure would be aimed at controlling problematic behaviour of the youths and imposing requirements upon him or her. As many of the cases in our analysis have been *signaled* under paragraph 38 (h) (serious behavioural disturbances) or 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) or some combination of both, we can see a general trend emerge among the measures illustrated above. According to the department of Youth Protection, clients include the youths and their families. Under these circumstances, parents as well as the youths may be considered actors in this process of their lives. As such, measures may be imposed on both youths and parents and a willingness on their part to conform to the imposed measures is required, in order to put an end to situations that create risk among this group. The type of measures imposed because of some form of Young Offenders interventions can be looked at in the same manner. In those instances, the emphasis is likely to be placed on the role of the youths, as actors. In other words, the young offender is viewed as an active participant in his destiny, and it is his offending behaviour that has brought him to the attention of Young Offenders services. Parents of offending youths are generally aware of the Young Offenders services interventions and subsequent measures. However, the measures themselves are not directed at parents, contrary to the youth protection measures cited above. Under the Young Offenders Act, cases are dealt with in a manner that is closer to that of criminal law, whereby, only the offender can be the subject of a criminal sanction.

In summary, our review of the measures related to the intervention practices prior to second act also indicated the following trend. In cases where paragraph 38 (h) (serious behavioural disturbances) or a combination involving paragraph 38 (h) was the basis of the *signalement*, control measures were most often used. We therefore understand that, when the problems that led the youths to be subjected to measures are defined in terms of serious behavioural disturbances, the youths are viewed as actors, who are at the root of the problems. Consequently, the measures focus on the youths themselves and aim at controlling their behaviour. The perspective is somewhat akin to that which can be expected in a Young Offenders process. On the other hand, we also understand from the data collected in dossiers that do not involve paragraph 38 (h) (serious behavioural disturbances) such as neglect, abuse or a risk created by a parent or guardian, the source of the problem is viewed differently. In those types of cases, other actors whose behaviour poses a potential risk to the youths such as parents, are viewed as the source of the problem. Therefore, we can see that in such instances, protective measures tend to be used to protect youths against actors whose behaviour poses a risk. The difference between the measures applied seems to be based on whether or not the cases involved paragraph 38 (h) (serious behavioural disturbances) or a combination paragraph 38 (h). Nonetheless, cases involving paragraph 38 (h) seem to be a category set apart amongst the different types of Youth Protection dossiers and are concentrated among our Dual Mandate population.

4.3.1.2 Desired outcomes or goals of the intervention

The department of Youth Protection assigns measures in an attempt to put an end to situations that have compromised the security and development of a youth. Coupled with specific measures ordered or voluntarily accepted, is a desired outcome or goal of the intervention. This desired outcome or goal, is stated explicitly in some of the dossiers.

For cases *signaled* under both paragraph 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) of the Youth Protection Act, stated examples of the desired outcome or goals were:

- the youths should have a safe and secure environment to reside;
- the parents should have time to secure a stable home and continue to receive support and required counselling;
- to ensure positive and productive contacts between parents and youths.

For cases *signaled* under paragraphs 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) and 38 (gs) (sexual abuse of a youth) (both paragraphs used in each case), stated examples of the desired outcome or goals of the intervention were:

- to better determine the needs of the youths;
- to support parents, more specifically in effective child management, in order to strengthen their role as a parents;
- to support parents in their role to ensure the safety and protection to their children and prevent any further victimization by the abuser;

- to determine whether the abuser will take the necessary steps to prevent his re-offending behaviour;
- to ensure the safety and security of the child;
- to ensure that youths receive adequate parental supervision;
- to ensure that the child receives an education and develops adequately;
- to ensure that the relationship between youths and parents improve.

For cases *signaled* under paragraphs 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) and 38 (gp) (physical abuse of a youth), stated examples of the desired outcome or goals were:

- progressive re-integration of youths into the parents' home;
- to improve parent-youth relationships;
- to ensure that the youth has a stable lifestyle;
- to attend school regularly and achieve developmental milestones.

For cases *signaled* under both paragraphs 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) and 38 (h) (serious behavioural disturbances) (both paragraphs used in each case), stated examples of desired outcome or goals were:

- to provide physical and emotional stability for youth;
- parents should actively participate in a healthy and self-improving way with the intervention, and should begin to be more involved in the youths' lives as parents;

- to provide the youths with support they need to deal with their issues, to provide therapy and counselling and to diminish the risk client presents to himself;
- to re-establish stability within the family;
- for the youths to continue working on the issues and on relationship with parents' and to enhance parents problem solving and parenting skills.

For cases *signaled* under paragraph 38 (h) (serious behavioural disturbances), stated examples of the desired outcome or goals were:

- to stop the rapid deterioration seen with the youth's behaviour;
- to provide the youths with a means to control their anger and exercise more self-discipline;
- to confront the youths with the consequences of their drug use and support them in becoming drug free;
- to help youths gain insight into their behaviour and its underlying causes, and to help them behave more appropriately;
- if youths are in placement, to facilitate their return home; to reintegrate and to stabilize their behaviour, and to return them to the care and supervision of the parents;
- to ensure that the youth is provided with limits and the structure that is needed;
- to provide the family with a neutral setting to work through the relationship with their children and their parenting issues;
- to support parents in order for them to gain insight and understanding into their child's continued defiance;

- to provide guidance to parents in their efforts to improve their child's situation;
- to re-establish parental authority and control;
- to provide direction and support to help youths refrain from participating in criminal activity;
- to provide youths with a highly structured living environment through which they will be closely supervised, develop appropriate social behaviour and the necessary controls to guide their behaviour;
- to ensure that youths cease to seek out high-risk behaviour and that they will develop appropriate judgment of the dangerousness and seriousness of such behaviour, that in turn places them in physical danger;
- to ensure that the youths are able to re-integrate academically and socially into a classroom setting, and to ensure that their academic needs are addressed;
- to ensure that the youths continue to be connected physically, socially and emotionally with their family;
- to ensure that youths' families continue to receive supportive family counselling and services thereby, helping them to further strengthen the family unit and meet the youths particular needs;
- to ensure that the youths face their problems and refrain from "running away" behaviour;
- to ensure that supports are in place when the youths return home in order for them to function in an appropriate and productive manner.

The goals sought in connection with the assigned or imposed youth protection measures discussed above reflect an underlying philosophy of modifying the youths' behaviour and effecting changes in their environment. The ultimate intention of the measures is to ensure that the safety and security of the developing youths are no longer compromised, and that the families involved with Youth Protection services can move forward in a healthy and autonomous manner. The contrast illustrated above regarding measures used in cases involving paragraph 38 (h) (serious behavioural disturbances) and those involving other paragraphs of section 38 of the Youth Protection Act, does not emerge as clearly when reviewing the goals ascribed to the measures. As stated previously, in dossiers based on paragraph 38 (h), measures may have more often been directed at the youth as an actor, than in cases signaled under other paragraphs of section 38 of the Youth Protection Act. The general trend observed with the desired goals of the interventions displays a less clear-cut pattern. Whereas, measures based on other paragraphs than 38 (h) are clearly designed to protect youths against various dangers, the goals ascribed to the measures in cases involving paragraph 38 (h) seem to present youths as both victims of a situation, which other people redress, and actors who should contribute to the solution of the perceived problems. The trend goes in the same direction as observed when examining the measures, but it is less obvious.

4.3.2 Young offenders measures

When looking at variables related to Young Offenders interventions prior to the application of the second act we noted that:

- Only 14% of the total population received young offenders services measures prior to the application of the second act, of which 33% were females and 67% were males.
- When the Youth Protection Act was the second act in application, over 53% (N = 8/15) of the population had received young offenders services measures prior to its application, of which the majority of cases were court ordered. The delay in time related to the moment a youth is known at Young Offenders services and the time the youth will subsequently receive measures, can account for the fact that, unexpectedly, 47% of youths who were not yet under a Young Offenders services measure prior to the application of the second act, as the measures were yet to come.
- In cases where the Young Offenders Act was the second act in application, 5% (N = 4/69) received young offenders services measures prior to the application of the second act. This result may appear strange, if not impossible, as one might question how could Young Offenders measures be noted in dossiers prior to the implementation of the Young Offenders Act? We contend that such a result is possible based on decisions made at the time of data collection. Cases that fall into this category were referred to as *flous* cases. In such instances, multiple periods of Dual Mandate status may have existed for a specific dossier. We chose to record the first instance of Dual Mandate status rather than the last, regardless if one service ended and then a new Dual Mandate started. This choice was made to reflect the true length of a youth's involvement with either system. In this sense, Young Offenders

measures may have already been in place related to a previous Dual Mandate period, which could account for the 5% of cases that were under an existing Young Offenders measure prior to the implementation of Young Offenders services, during the time frame of this study. Furthermore, it is important to note that during the Dual Mandate period recorded in this study, the official offence date was used to calculate when the offence occurred. Therefore, in our study, all first offences took place prior to the “*prise en charge*” by Young Offenders services, and as such, were generally recorded during the period of time prior to the application of second act.

Prior to the application of the second act, it was established that 69% of the Dual Mandate youths required youth protection measures. All the Youth Protection intervention stages were implemented in more than half the cases. It is understood that in most cases, the measures imposed on youths are a direct result and consequence of their own actions. Hence, we are dealing with a highly problematic group of individuals.

4.3.2.1 Intervention measures

In this investigation, there were only three cases in our qualitative sample that were first subjected to Young Offenders interventions prior to the application of the second act. All three cases were first assigned alternative measures. However, in two out of the three cases the youths did not comply with the alternative measures that they were assigned and those cases were later referred back to court awaiting court ordered measures. Furthermore, in two out of the

three cases, the files were then transferred to Batshaw Youth and Family Centres' Residential services and subsequently closed at Young Offenders services. Residential service workers have the mandate to intervene in both Youth Protection and Young Offenders matters. In these instances, only one worker is involved with the youths. One might suppose that the process whereby Dual Mandate youths are followed by Residential services may be in a way, less intrusive than other Dual Mandate youths' cases, in the sense that only one worker is assigned to the case and is, therefore, responsible for the implementation of the intervention processes, under both Acts. The types of measures assigned in these cases were community work (a specified number of hours within a specific time frame), and probation with follow up. Although most probation orders were not present in the Young Offenders dossiers at the time of data collection, we did have access to a limited number. Examples of the conditions included:

- youths should meet with the Young Offenders delegate as requested;
- youths need to inform parents of their whereabouts;
- a curfew is put in effect;
- youths must attend school and abide by the rules;
- youths must attend anger management courses;
- youths must abstain from using drugs or alcohol;
- youths must submit to drug assessment;
- community work is required.

The young offenders services measures tend to display some similarity with the youth protection measures described earlier. With respect to the cases based

on paragraph 38 (h) (serious behavioural disturbances), we can see from the short list of measures provided above, that the measures are directed at the youths' behaviour. These measures are imposed to effect change, rehabilitate, and/or neutralize the youths. They can be regarded as control measures directed at youths that are viewed as responsible actors who are expected to take steps and put an end to his or her problems. They are not protective in nature as were the measures based on paragraphs other than 38 (h) (serious behavioural disturbances) in section 38 of the Youth Protection Act. In those situations, the responsibility lay with adults (mainly parents) to provide the youths with an environment that would ensure their appropriate development and security. Not surprisingly, Young Offenders measures imposed on our Dual Mandate population seem to be more akin to youth protection measures seen in cases involving serious behavioural problems, than in other Youth Protection cases.

4.3.2.2 Desired outcomes or goals of the intervention

The desired outcomes or goals of the Young Offenders interventions are somewhat different from those related to Youth Protection services, as detailed above. Youth Protections services assign measures in an attempt to alleviate situations of risk in the lives of youths. These measures are put in place, in most instances, to effect long-lasting change. Examples of the desired outcomes of the intervention stated in the Young Offenders dossiers, (when indicated, as most files did not contain this type of data) were:

- to impress upon youths that behaviour has consequences;
- to lower the risk of recidivism.

These goals are clearly expressed in terms of behaviour control and have nothing to do with protecting the youths against an environment that could put them at risk.

Interestingly, it was illustrated in one case that a youth was assessed for alternative measures but did not comply, and the case was referred back to court. During the time the youth was waiting to have the case heard in court, the youth's mother contacted Young Offenders services and advised them that the youth in question had stolen a camera and a car. The Young Offenders worker in turn advised the mother that nothing could be done at the Young Offenders services level, as the case was considered inactive pending the upcoming court appearance. The delegate did suggest that the mother contact the police and the department of Youth Protection regarding the incident. A *signalement* was taken regarding the incident and when the Orientation worker of the department of Youth Protection contacted the family in question, the family did not want to meet with the Youth Protection worker. They wanted the Young Offenders delegate already known to them, to do the Youth Protection Orientation. The family was explained that this was not the procedure as the mandates were different in Youth Protection and Young Offenders cases. Ultimately, the family met with the Youth Protection worker to undergo a new assessment. Another noteworthy addition is when the youth appeared in court for the Young Offenders charges and pleaded guilty to them, the judge requested a pre-disposition report. This report revealed that the youth was prone to acting out behaviour rooted in the youth's home environment. The report also mentioned knowledge of a strained relationship between the youth and his parents. Indications of concerns

for future recidivism were also present in the report. This type of situation reinforces the notion that except with Residential services, as referred to earlier, both processes at Batshaw Youth and Family Centres are completely separate. Furthermore, one law was not sufficient to intervene in all matters related to this one youth and thus, required the intervention of a second law, irrespective of the family's wishes or willingness to comply with interventions of only one mandate. It is also apparent that although the Dual Mandate youths in our sample were eligible and assigned alternative measures, in two out of three cases, the files were returned to court because the alternative measures were not respected. This further illustrates that the situations of youths researched in our study tend to be rather complex. Furthermore, at times, even though a youth and his family may have been provided with tools necessary to rectify problematic situations under one law, additional assistance may ultimately be required under a second mandate, given the reach of the second law.

After reviewing the intervention practices prior to the implementation of a second act, we become aware of the fact that cases are treated very differently at Young Offenders services than at Youth Protection services. The differences are noted in the underlying philosophies of both laws. Information is collected and kept differently in both dossiers and the youths are also viewed very differently. The information offered in this chapter was provided to enlighten the reader about the intervention practices prior to the application of the second act, in relation to the youths in this study. The situations and circumstances discussed should have drawn the readers' attention to the fact that, the Dual Mandate population was involved in particularly problematic situations from the onset of

their involvement with either law, regardless of the order in which the laws were first put into effect. We noted that youths in our study were involved with the Youth Protection services for approximately two years longer than Batshaw Youth and Family Centres' general population and they were mainly *signaled* for serious behavioural problems. Based on circumstances that led the youths to be *signaled*, we understand that they are a relatively unique group of individuals with special needs that sets them apart from other Youth Protection cases. Coupled with the notion that the youths in this study have consistently demonstrated defiance of authority and serious behavioural problems, 70% were charged with illegal acts prior to the application of a second act and according to our data, Dual Mandate youths were involved with the police much earlier than the general delinquent population. The Young Offenders offences noted and reviewed, appeared more delinquent as seen with the Youth Protection cases, than criminal in nature. This further highlights the notion that these young offenders tend to be considered and viewed as actors rather than passive victims of circumstance and it is their behaviour that has led them to be known to each department. Breaches of court ordered measures were also noted, indicating an inability to adhere to imposed court ordered measures. The majority of cases reviewed were assigned court ordered measures prior to the application of the second act, irrespective of the second Act. As far as the measures were concerned, we noted that the suggested measures in Youth Protection cases encompass methods to control youths' behaviour in order to end compromising situations and improve parenting techniques. We also noted that protective measures were more often suggested in cases other than those *signaled* for circumstances related to paragraph 38 (h) (serious behavioural disturbances) or a

combination of paragraph 38 (h), where youth were considered victims of their environment. The goals ascribed to the suggested measures included providing stability, ensuring the youths were safe and protected, effective child management, and most importantly assistance in modifying the youths' behaviour to ensure on-going security. We noted that the common trend established between Youth Protection and Young Offenders measures is behaviour modification, however as alluded to earlier, this link is not as clear when reviewing and comparing the goals associated with the measures.

Chapter five

The intervention process during the Dual Mandate period

In the previous chapter, the intervention process prior to the Dual Mandate period was reviewed. It provided insight about the lives of the youths in this study before a second mandate was put into effect. This chapter will inform the reader about the circumstances that led the youths to be known under a second law, and what may have ensued as a result of this Dual Mandate status. The intervention process will be detailed, highlighting the measures assigned and the desired outcomes of the interventions. This chapter should contribute to the notion that this population is a unique group of individuals, with specific needs, requiring different intervention practices than typical Youth Protection and Young Offenders cases.

5.1 Duration of Dual Mandate status

An important starting point in the understanding of youths who have been assigned a Dual Mandate status is the knowledge of how many months they were subjected to interventions under both Youth Protection and Young Offenders laws. Table IV presents data regarding the length of time that Dual Mandate youths were the object of both Youth Protection and Young Offenders interventions.

Table IV
Months of Dual Mandate Status

	Frequency	% Population	% Cumulative
0 to 5 Mths	39	50.0%	50.0%
6 to 12 Mths	15	19.2%	69.2%
13 to 24 Mths	17	21.8%	91.0%
25 to 36 Mths	7	9.0%	100.0%

Six cases were not included in this calculation as there was no overlap of services.

M=1 yr 8 mths

Md= 1 yr 5 mths

Table IV offers information about the number of months our Dual Mandate population was subjected to Youth Protection and Young Offenders services simultaneously. The data reveals that the Dual Mandate period lasted an average of 20 months (the median being 15 months). Three out of 10 youths were taken charge of, under both laws, for longer than one year: at least 31% of offending youths were known under Young Offenders services for over one year. We believe that our data further supports the notion that the Dual Mandate population being described includes cases of fairly problematic individuals, with complicated life histories.

5.2 Introduction to the intervention process

As seen with single mandate youths, an event, be it a *signalement* or an offence or breach of some court ordered measures, initiates the intervention process under a second law. The following sections will describe circumstances and events that have created the need for the application of a second law, and, consequently, the creation of our Dual Mandate population.

5.2.1 Signalements

Signalements are the foundations for any Youth Protection involvement with a child. Hence, the importance of reviewing variables related to *signalements* as a part of our analysis on the Dual Mandate period. We noted that the majority of our Dual Mandate cases were not *re-signaled* during the Dual Mandate period. Only a minority, i.e. 33% (N = 28/84), were *re-signaled* at least one time (most of whom were only *re-signaled* once (N = 25/84)). When the Youth Protection Act was the second act in application, 80% of the population was *signaled* once

during the Dual Mandate period and 20% was *re-signaled*. Similarly, when the Young Offenders Act was the second act in application, only 19% of the population was *re-signaled*. Could this mean that during a time when two laws were already in effect, the circumstances that led the youths to be subjected to the interventions of both laws were satisfactory in meeting the needs of the youth in most cases? Alternatively, could we suppose that if a problematic situation still existed during a dual mandate period, those involved (parents, social workers, teachers, police) with the youths did not *re-signal* knowing that some form of intervention was already in place? In all cases, with the exception of one, regardless of gender, the majority of youths were *signaled* or *re-signaled* under paragraph 38 (h) (serious behavioural disturbances) or some combination of paragraph 38 (h) and paragraph 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) of the Youth Protection Act.

For the three cases where the Youth Protection Act was the second act in application, Dual mandate youths were *signaled* for the following reasons under paragraph 38 (h) (serious behavioural disturbances) of the Youth Protection Act.

The first youth was noted as demonstrating serious behavioural problems and all the attempts by his family to correct the situation had failed. The circumstances surrounding this *signalement* included instances where the youth not only posed a threat to himself, but also towards direct family members and the general public. He was said to have bullied his schoolmates and was noted for school truancy and expulsions. The dossier also noted that the youth was considered a drug user, who had no afterthought for his behaviour. Furthermore,

the youth was described as being physically and verbally abusive with some family members. This included having used a knife to intimidate them. The youth was also noted for starting a fire in a public bathroom.

A second youth was noted for demonstrating serious behavioural problems and the parents refused to keep him in the home. At the time the youth was *signaled*, he was also charged with simple assault for resisting arrest. The circumstances surrounding this *signalement* indicated that the youth partook in delinquent activities that affected his family members in particular, and himself. He was noted for smoking marijuana and trafficking it to sustain his habit. He was said to have stolen objects from his family and sold them to buy more drugs. Other delinquent acts involved the taking of the family automobiles without having permission to do so. Furthermore, the youth's parents were noted as being overwhelmed, not capable of controlling the youth's behaviour and, as such, refused to have him remain in the home.

The third youth was noted as being kicked out of school for using drugs and dealing drugs at school. No other details were provided.

We understand that the three cases illustrated above, where the Youth Protection Act was the second in application, can offer no guaranty of *representativity* of the larger population. Yet, we can agree that the circumstances surrounding the *signalements* reviewed do point in a certain direction. The three youths appear to have been *signaled* for behaviour that at times, appeared more problematic for others than for themselves. Certain

behaviour, such as theft, possession of drugs, trafficking, or physical abuse, are considered illegal activities that could have resulted in criminal charges being laid. Therefore, in these instances, the line between what is considered a Youth Protection motive and offending behaviour, appears quite thin. Given these circumstances, these Youth Protection dossiers might have just as well been charged under the Young Offenders Act. As such, these three *signalements* do not offer a clear image of what could or should be the distinction between a Youth Protection and a Young Offenders case. If these cases were treated as cases involving offences, as they very well might have been, these youths would not have had a Dual Mandate status. Although we do not know why the choice was made to proceed under the Youth Protection Act, we may hypothesize that the youths' families may have believed that a Youth Protection approach was deemed necessary based on their previous involvement with Young Offenders services where mainly alternative measures had been used. Alternatively, it could be that the Young Offenders delegate already involved with the youths may also have supported the motives behind a *signalement*. Unfortunately, we cannot know for certain as such details were not available in the dossiers.

5.2.2 Offences and breaches

The term Dual Mandate denotes that two mandates were in effect, either concurrently or consecutively, during the period under study. The section above presented data related to the application of the Youth Protection Act during the Dual Mandate Period. We now shift our attention to some statistics associated with the application of the Young Offenders Act, as the second act. We wanted to learn how many times Dual Mandate youths were charged with offences and

the types of crimes they were alleged to have committed. We, therefore, reviewed data on the number of times youths were arrested, how many offences they were charged with, and the types of crimes they were charged for, during the Dual Mandate period.

Concerning recorded arrests, it was noted that when the Youth Protection Act was the second act in application, 40% (N = 6/15) of youths were arrested at least one time, or re-arrested during the Dual Mandate period. Conversely, when the Young Offenders Act was the second act in application, 30 % (N = 21/69) of youths were arrested at least once, or re-arrested while the Dual Mandate was in effect. It is important to note that, in fact, any arrest recorded during the dual mandate period constituted a re-arrest since it occurred after the initial arrest that led the youths to be considered part of the Dual Mandate population. With respect to charges laid, when the Youth Protection Act was the second act in application, we observed that 6 out of 15 youths were charged with at least one federal violation. When the Young Offenders Act was the second act in application, 30 % of the population (N = 21/69) was charged with at least one offence. Interestingly, when the Youth Protection Act was the second act in application, 20% of the population (N = 3/15) was charged for breaching probation. When the Young Offenders Act was the second act in application, a slightly smaller proportion of Dual Mandate youths, 16% (N = 11/69), were charged for breaching probation. As males accounted for a large portion of the Young Offenders population, it comes as no surprise that males were charged with 86% (N = 12/14) of all breaches.

5.2.3 Types of crimes

With respect to the types of crimes or new crimes committed during the Dual Mandate period under investigation, we uncovered that when the Youth Protection Act was the second act in application, 33% (N = 5/15) were charged with crimes against the person. When the Young Offenders Act was the second act in application, 80% (N = 4/5) were charged with property crimes and 75% (N= 15/20) were charged with crimes against the person. As mentioned earlier, given that males account for a large part of the Dual Mandate population, it is not surprising that males perpetrated 85% of all property crimes and 70% of all crime against persons.

A look at our qualitative data provides further insight in the events that led to the application of the second act. When the Young Offenders Act was the second act in application, youths were arrested for the following reasons.

This first example refers to a youth who was first known to the Department of Youth Protection as a toddler and was involved with at least one service until the age of majority. We chose to present the particulars of this case, in greater detail than other cases, given this youth's lengthy involvement with both Acts. Furthermore, we noted an interesting pattern of serious behavioural problems, increased delinquency and offending behaviour worthy of an in-depth review. A predisposition report was requested prior to this youth's first sentencing in 2001. His first official offence was for taxing, and he had no other known antecedents at that time. From the onset of this youth's offending behaviour, it was noted by the delegate that the youth did not take responsibility for his actions and showed

little remorse towards his victims. As stated, the first noted offence started out as taxing and led to the assault of a victim by kicking him in the stomach. This incident directly caused the application of the second law. The victim was traumatized and sought help from *CAVAC (Centre d'aide des victimes d'actes criminels)*. By the time a second predisposition report was written, the youth had a long record of recidivism that spanned several years (2001-2004), which included our Dual Mandate period (2002-2003). We have identified most instances including those prior to the Dual Mandate period to exemplify the seriousness of the situations that required the interventions under both acts for this specific youth. For the year 2001, the youth was charged with (1) theft, (2) obstruction, (3) two breaches of probation, (4) mischief, and (5) a breach of probation. For the year 2002 the youth was charged with mischief. For the year 2002-2003 the youth was charged with (1) two breaches of probation (which were failure to keep the peace and possession of a weapon). The sentence imposed was that the youth was required to perform 30 hours community service to be completed within three months. For these charges, he remained in pre-sentence detention as he was considered a flight risk. During this period, the youth was also charged with an additional breach of probation. For this charge, the youth was imposed 4 days closed custody, in addition to pre-sentence detention. Then the youth was charged again with a breach of probation. He was sentenced to 30 days closed custody and remained in pre-sentence detention for the same reasons. For the year 2003-2004, the youth was charged with (1) breaking and entering, (2) possession of stolen property, and (3) a breach of probation for which he was imposed nine months closed custody.

Examples of the balance of the charges for offences that were committed by other youths in the study during the Dual Mandate period were comprised of instances such as:

- Breaking and entering;
- Theft of a youth's mother's car;
- Uttering death threats and assault against another Youth Protection youth in the same group home;
- Assault and uttering death threats;
- Assault of an officer with a weapon;
- Carrying a concealed weapon in another province;
- Theft;
- Public mischief;
- Theft and possession of stolen property less than 5000 dollars;
- Shoplifting;
- Arson;
- Mischief and violence against a group home member.

The events that necessitated the interventions under a second act, be it the Youth Protection or the Young Offenders Acts, were unique to each dossier reviewed. When looking at both the quantitative and qualitative data provided in both instances, no similarities were observed. We understand that the motives for creating a *signalement* at the Department of Youth Protection are far different from those for which a youth is charged with a crime. We noted that in the three cases where the Youth Protection Act was the second act in application, a thin line existed between what was considered offending behaviour and a protection

issue (serious behavioural disturbances) requiring a *signalement*. The events that led to the *signalement* (and thus creating the Dual Mandate status for these three youths) were delinquent by definition, and could have just as well been treated as offences under the Young Offenders Act. The reasons deemed necessary to *signal* these cases were never highlighted. We cannot say for certain, that this type of tension is representative of the whole population, but it does seem possible when looking at cases where a youth is first known to Young Offenders services and then *signaled* for issues related to paragraph 38 (h) of section 38 of the Youth Protection Act. On the other hand, we see that for cases first known to the Department of Youth Protection for reasons related to serious behavioural disturbances, the Dual Mandate population is viewed as active participants in their own behaviour. For Dual Mandate youths in such situations, there appears to be a gradual transition from serious behavioural disturbances to offending behaviour requiring charges to be laid under the Young Offenders Act when Youth Protection issues are ongoing. Thus, the events that lead the Dual Mandate youths in our study to be known under a second act, when the Young Offenders Act is the second act in application may appear to be an extension of the circumstances of the first act in application (serious behavioural disturbances under the Youth Protection Act).

5.3 The measures

In the preceding chapter, we looked at the intervention process as it took place before the Dual Mandate period. We reviewed how the process was induced and the measures that were used to deal with the problems that had been identified during that period. In the same way, the measures that were used

during the Dual Mandate period have to be examined. The measures used under the Youth Protection Act and the Young Offenders Act will be analyzed successively.

5.3.1 Youth protection measures

Overall, 89% (N = 75/84) of the youths were under an existing Youth Protection measure or received a new Youth Protection measure while the Dual Mandate was in effect. Most of these measures were either court ordered (N = 56/75) or a combination of court ordered and voluntary measures. Voluntary measures were used in 9 out of 75 cases and the youths who received them were males in 90% of the cases.

When the Youth Protection Act was the second act in application, 87% (N = 13/15) of the population received a new Youth Protection measure. Similarly, when Young Offenders services was second to become involved with youths, 90% (N = 62/69) of the population was either already under an existing Youth Protection measure or received a new Youth Protection measure. It is clear that regardless of the order in which the interventions were implemented, most youths were subjected to youth protection measures during the Dual Mandate period. We also observed that when the Youth Protection Act was the second act in application during the Dual Mandate period, youth protection voluntary measures were not offered to youths. When the Young Offenders Act was the second act in application, 85% of the group received court ordered youth protection measures. The fact that mostly court ordered measures were used during the Dual Mandate period suggests that, in most cases, the circumstances for which both

acts were put into application were so serious that voluntary measures could not be regarded as adequate. A display of serious behavioural problems coupled with recorded criminality on the part of the Dual Mandate population may have negated the consideration of voluntary measures as a viable option for most of the Dual Mandate population. Moreover, court ordered measures might have been viewed as necessary, in some cases, given the anticipated or actual refusal of voluntary measures by the youths (over age 14), and/or the parents. Thus, this group of youths seems to have been viewed as a particularly problematic group who undoubtedly suffered from seriousness behavioural problems.

When the Youth Protection Act was the second act in application during the Dual Mandate period, two of the three cases reviewed qualitatively required total Youth Protection involvement. In other words, all the different intervention stages were engaged. As alluded to earlier, the Dual Mandate population researched appears to be a group of complex individuals requiring multiple interventions, in order to alleviate serious behavioural problems, delinquency and offending behaviour. At the time the second law was applied (Youth Protection Act), it was noted that in two out of the three cases reviewed qualitatively, measures were already in place under the first act (Young Offenders Act). Furthermore, in two instances, the files were transferred to Batshaw Youth and family Centres' Residential services because the delegates of this service point retained both mandates and were able to intervene with these youths under the Youth Protection and Young Offenders Acts. This provides a further indication that Dual Mandate cases are treated as serious ones, involving simultaneous or consecutive interventions from different service points within the organization.

5.3.1.1 Intervention measures

When the Youth Protection Act was the second act in application during the Dual Mandate period, the cases reviewed qualitatively were all *signaled* under paragraph 38(h) (serious behavioural disturbances) of the Youth Protection Act.

Examples of the typical measures associated with these cases were:

- the youth was entrusted to a reception center for a specific period and should have been reintegrated into the home within that time;
- the family participated in a family preservation program and followed through with its recommendations;
- the parents should have worked together to establish and enforce consistent rules and expectations for their child and the youth was required to abide by the parents rules;
- the youth was required to inform his/her parents of his/her whereabouts at all times;
- the youths were required to attend school regularly and fulfill all scholastic expectations;
- the youths were required to follow through with the recommendations of a drug assessment;
- the youths were required to enrol in anger management classes;
- the youths were required to collaborate and meet with the Youth Protection delegate when requested;
- aid, counsel and assistance was required for a specific period of time for both the youth and the family.

Placement is often a court ordered Youth Protection measure. Given that 85% of the Dual Mandate population was subjected to court ordered measures, the number of placement orders was reviewed. We found that 87% (N = 73/84) of the population received a Youth Protection placement measure and that 86% (N = 63/73) of these placements occurred during the Dual Mandate period; 74% of these placements (N = 54/73) occurred in residential services, which included an open group home in the community, a secure residential establishment and a foster home. When the Youth Protection Act was the second act in application during the Dual Mandate period, two of the three dossiers noted placement as a Youth Protection court ordered measure.

The trend that seems to emerge from the list of measures provided above, is that the measures are mainly directed at the youths themselves, however, some also involved the families. As such, solutions (and, by implication, perceived problems) lie in part with the youths themselves and in part with their families. Furthermore, the high rate of placements provides another indication that the Dual Mandate youths are viewed as displaying serious behavioural problems. It would have been interesting to compare our placement statistics with Batshaw Youth and Family Centres statistics on placement. It would probably have indicated that the Dual Mandate population researched in this study were placed more often than Batshaw's general Youth Protection population, thereby reinforcing the hypothesis that the Dual Mandate population is more problematic. However, the placement statistic provided in Batshaw Youth and Family Centres' annual report aggregates together all placement including foster homes, group homes, residential services, any Young Offenders placements and S4.2

placements (which were placements offered under the Health and Social Services Act). Therefore, the comparison could not be made based on available data.

5.3.1.2 Desired outcomes or goals the intervention

When the Youth Protection Act was the second act in application during the Dual Mandate Period, examples of the desired outcomes or goals of the Youth Protection intervention measures associated with paragraph 38 (h) (serious behavioural disturbances) were stated as follows in the dossiers:

- to provide support to the family and ensure successful reintegration of the youth into the home;
- to establish parental unanimity by the consistent use of their authority;
- to maintain respectful and supportive communication within the family;
- to ensure that the youths attended school and completed all requirements;
- to offer educational support and direction to the families;
- to attempt to prevent the need for future placement;
- to ensure that the youths lead drug-free lives, given that in the past, the drug use had led the youths to experience difficulties within the family and with the law;
- to ensure that the youths received treatment for substance abuse problems;
- to ensure that the youths received anger management classes;
- to encourage that the youths take responsibility for their behaviour;
- to be a support to parents who were required to deal with the youths' behavioural difficulties and drug problems.

The goals associated with the Youth Protection intervention practices for cases involving paragraph 38 (h) (serious behavioural disturbances) support the measures reviewed above. In fact, the formulation of some of the goals includes the identification of the measures themselves. Some of the goals identified reflect changes sought in connection with the families and the others are in connection with the youths' behaviour. Yet, in those cases where the goals are associated with the families, one can see that the real intention is to help the families to better deal with the youths by providing support, strengthening parental authority and so on. Therefore, the youth's behaviour seems to remain the central focus of the interventions.

5.3.2 Young offenders measures

We also reviewed measures related to the Young Offenders Act during the Dual Mandate period. An investigation of this data revealed that 92% (N = 77/84) of the Dual Mandate population was under an existing Young Offenders services measure or a new measure while the Dual Mandate was in effect. Thus, most youths received some form of court ordered young offenders services measures when both acts were in application. In those cases, where the Youth Protection Act was the second act in application, we noted that during the Dual Mandate period, a small proportion of youths (12%) were either already under an existing Young Offenders services measure, or received a new Young Offenders services measure. In those cases where the Young Offenders Act was the second act in application, 98% of the Dual Mandate population (N = 68/69) received new young offenders services measures.

When the Youth Protection Act was the second act in application during the Dual Mandate period, youths received more court ordered measures than alternative measures. Out of a possible nine cases where the information was available at the time of data collection, alternative measures unaccompanied with court ordered measures were used in only one case. The other youths were imposed court ordered measures or a combination of court ordered and alternative measures. Moreover, when the Young Offenders Act was the second act in application, some form of Young Offenders services court ordered measures were imposed on a somewhat smaller proportion of the group (N = 25/68) than were imposed when the Youth Protection Act was the second act in application (N = 5/9).

Custody measures are an important form of Young Offenders court ordered measures. Our data revealed that 19% (N = 16/84) of the Dual Mandate population received a custody order while the Dual Mandate was in effect. In those cases, 94% (N = 15/16) of the youths were male. In 88% of the cases, the custody order was for closed custody. We could not compare our findings regarding Dual Mandate custody measures with Batshaw Youth and Family Centres' placement statistics as their statistical reports include figures where data for Youth Protection placement, Young Offenders custody and S4.2 (which were placements offered under the Health and Social Services Act) measures are aggregated.

During the Dual Mandate period, measures could have been in application under the first act and new measures may have been required under the second act, simultaneously or concurrently, based on the intervention stage that the

youths attained at the time of our data collection. The qualitative data analyzed revealed that in 11 out of the 16 cases, services were ongoing related to the first act (Youth Protection) at the time the second law was required.

5.3.2.1 Intervention measures

Many interesting cases were noted from the sample of dossiers that were analyzed qualitatively. We summarized specific cases below, in order for the reader to see the complexity of the Dual Mandate population. These cases were first known to the Department of Youth Protection for reasons related to paragraphs 38 (h) (serious behavioural disturbances) and or a combination of paragraph 38 (h) and 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) of the Youth Protection Act. They have been chosen to illustrate the youths' problematic case histories, and more specifically the measures that were imposed on them under the Young Offenders Act during the Dual Mandate period.

This first example relates to the case of the youth described earlier in this chapter, who was involved with the department of Youth Protection since he was a toddler. The youth had a long history of recidivistic behaviour during our dual mandate period. As a result of numerous arrests during the Dual Mandate period, the following measures were imposed on him:

For the year 2001:

- related to a charge of obstruction, the youth received 30 hours community service to have been completed within four months and a one 0year probation order;
- the youth was noted for breaching probationary measures and was sentenced to four days open custody and probation with follow up for a total of eleven months;

- related to a charge of theft, he received 20 hours community service to be completed within four months;
- related to a charge of mischief and a breach of probation, he was sentenced to four weeks closed custody.

For the year 2002-2003:

- related to a charge of mischief, the youth received an eighteen-month probation order;
- for two breaches of probation (failure to keep the peace and possession of weapon), he received 30 hours community service to be completed within 3 months. He remained in detention prior to sentencing given he was considered a flight risk at that time;
- for a breach of probation, he was imposed 4 days closed custody. He remained in detention prior to sentencing given he was considered a flight risk at that time;
- for a breach of probation, he was imposed 30 days closed custody. He remained in detention prior to sentencing given he was considered a flight risk at that time.

For the year 2003-2004:

- For a charge of breaking and entering, possession of stolen property, and breach of probation, the youth was imposed 9 months closed custody.

For the progression of crimes illustrated above, the measures imposed became increasingly more restrictive over the years. One may understand that a choice was made to impose stricter measures later in the progression of this youth's offending history even though a clear pattern of recidivistic behaviour could be viewed as apparent early on given some of the sentencing guidelines set forth in Section 3 of the Young Offenders Act such as minimal intervention. However, at the time of data collection, this rationale was not discussed in the dossier.

Regarding offences committed by other Dual Mandate youths during the time of the study, we noted that in one case the measure involved a \$50.00 donation to a local hospital fund.

In another instance, a case was referred to Young Offenders services for alternative measures. The sequence of events that followed illustrates how

alternative measures can become an instance requiring court ordered measures. Letters were sent to the youth requesting that he present himself at Young Offenders services to assess the possibility of alternative measures. The letters were "Returned to Sender". As a result, the case was referred to court. The youth was expected to appear in court. However, he did not comply, which led the judge to issue a warrant for his arrest. The file was closed at Young Offenders services when the warrant remained outstanding for over three months. The youth later presented himself at a police station because he was lost. He was then arrested because of the outstanding warrant. As a result, he appeared before the judge and the warrant was cancelled. Another letter was sent to Young Offenders services to re-evaluate the youth's possibility of alternative measures. Alternative measures were then agreed upon, and the youth agreed to 30 hours community service and was required to write a letter of apology.

In the next example, a youth was imposed two different types of measures during the Dual Mandate period. In the first instance, he was found guilty of uttering death threats and received one year probation without follow up. There was no notation in the file why the youth was not assessed for alternative measures. For a second charge, the case was referred to court and the Youth Court then sent a request to Young Offenders services in order to have the case re-assessed for alternative measures. Alternative measures were later signed and the youth agreed to 30 hours of community service, to be completed within 4 months, and the youth was requested to write an apology letter.

This next example is interesting in that this Dual Mandate youth was afforded many chances to complete alternative measures, regardless of several instances of

non-compliance. In this situation, the youth was charged with theft. Young Offenders services received the dossier with a request for an assessment of alternative measures. The agreed measures were to complete 35 hours of community service within six weeks. The community service was not completed and the case was referred back to court. The dossier was then sent back to Young Offenders services with a request for completion of the alternative measures by a specific date. However, they were not completed for a second time. The case was referred back to court and the youth was given yet another date in which to complete the original 35 hours community service. This was also not respected and the dossier was returned to court. The youth was then imposed court ordered measures, to complete 30 hours community service within four months. The measures were finally completed.

In the next example, a youth was arrested for shoplifting and when he and his father were interviewed at Young Offenders services, the youth insisted that he had no part in the shoplifting incident. When the facts were reviewed, the youth indicated that he was suspect #2 in the store. He was talking to the cashier, while suspect #1 was stealing the item. According to the youth, he thought his friend was buying some food, and that he had the money to pay for it. He was asking the cashier about something else, when the other youth told him: "come on, let's go". It was only after they left the store that he found out that his friend had stolen a beer. The father also questioned the youth during this interview. He did not want his son to minimize his involvement in the crime. The father knew that if his son negated his involvement, the result would be that the youth would have to appear in court when he could have been eligible for alternative measures.

Nonetheless, the youth continued to insist on his version of the events. As the youth insisted that he was not guilty of the charges, his case was referred back to court, pending court ordered measures.

In the next example, a youth was arrested for setting a fire. Given the seriousness of the youth's offence as well as the test results of the Jessness/Risk Needs assessment, it was recommended by the young offenders delegate that the youth be placed on probation for a period of one year, with follow up given the following conditions were met:

- that he meet with a Young Offenders delegate as required;
- that he attend school and complete school work to the satisfaction of school authorities;
- that he respect house rules determined by the parents and youth worker;
- that he participate in an anger management program;
- that he abstain from the consumption of drugs and alcohol;
- that he undergo a drug and alcohol assessment;
- a recommendation for 240 hours of community work.

The recommendation was endorsed by the Court, however, this youth did not comply with his court order to be in school and respect school rules. A one month court ordered placement was requested for non-compliance, breaches of probation and the seriousness of the original offence. The youth was later sentenced to 21 days closed custody because of eight additional breaches of probation. Given that the youth served a term of closed custody and had no probationary follow up, the case was then closed.

The last dossier was related to a courtesy supervision of a probation order. This case was transferred from Ontario Children's Aid Services to Young Offenders services when the child re-located to Montreal. The measures imposed on this youth were:

- that she keep the peace and be of good behaviour;
- that she appear at Youth Court when required;
- that she reside with her father and be amenable to the routine and discipline at home;
- that she attend school on a regular basis;
- that she refrain from the use of alcohol or drugs;
- that she attend counselling;
- that she provide a release of information in order for the delegate to monitor attendance and compliance at school;
- that she not associate with people that her father and worker deemed unsuitable;
- that she not carry any weapons.

The intention of highlighting the above-mentioned cases was to see if the measures used under the Young Offenders Act confirmed the view that the Dual Mandate Population was a particularly problematic one. The data do not seem to support this view. In most of the cases illustrated, the youths were not imposed custody orders. For those who were imposed a custody measure, the duration was short in length. This leaves the impression that the situations requiring custody were not so grave. In one case, a progression of offending behaviour over the course of several years was indicated. In other cases, we established

how alternative measures became instances of court ordered measures, generally resulting from the youths' non-compliant behaviour related to the original accepted alternative measures. We cannot say for certain that this is representative of the entire Dual Mandate population. However, the choice of measures assigned by the Dual Mandate delegates in the cases highlighted do not seem to support the hypothesis that this Dual Mandate population is a highly problematic group.

5.3.2.2 Desired outcomes or goals of the interventions

With respect to the above-mentioned Young Offenders measures, the dossiers contained statements as to the desired outcomes or anticipated goals that the measures were ascribed. These included the following:

- to learn accountability;
- to promote positive change;
- to understand the seriousness of the youths' actions and that these actions have consequences;
- to understand that breaking the law puts the youths and others at risk;
- for reparation to the victim, and restorative justice;
- to incarcerate, prevent criminal activity, and neutralize;
- victim mediation.

The desired outcomes of the probationary order for the case transferred from Children's Aid Services in Ontario were:

- to increase positive family interaction;
- to improve in school;

- to improve leisure time by getting involved in pro-social activities.

The goals listed above are defined in relation to the offences and the offenders. It is clear that the families, or any other sources of environmental influence, are absent from the aspired goals. The notion of youths, viewed as active participants in their lives, as opposed to victims of their surroundings was discussed earlier. The above listed goals (with the exception of the Ontario case) are also defined from a perspective where the youths are viewed as actors who must not only change their behaviour, but also repair the damage caused by their offences. The social reaction to the offences is aimed at the youths' behaviour and offences and not their milieu. They are not considered victims of their surroundings requiring protection, as seen with many Youth Protection cases.

This chapter examined aspects of the lives of the Dual Mandate population while they were the objects of interventions under two different mandates, either consecutively or concurrently. We noted that although most cases were not *re-signaled* during the Dual Mandate period, most cases reviewed were *signaled* for circumstances that related to paragraph 38 (h) (serious behavioural disturbances) of the Youth Protection act. When we looked at the cases where the Youth Protection Act was the second act in application, the events leading to the *signalement* were often akin to criminal acts. A choice was made to *signal* these cases but they could have also been dealt with under the Young Offenders Act. When the Young Offenders Act was the second act in application, the events that lead to the charges appear to be an extension of the serious behavioural problems already apparent when the youths were under an existing Youth Protection mandate. When analyzing the measures imposed on the Dual Mandate

population, it was noted that most measures were court ordered under the Youth Protection and the Young Offenders Acts. However, the choice of measures imposed, more specifically when the Young Offenders Act was the second act in application, does not support the notion that the Dual Mandate population is a highly problematic group of individuals. Youths received many community service orders or probation orders as opposed to custody orders involving longer than shorter durations. The desired outcomes or goals of the interventions revolve around making the youths accountable for their actions and initiating change in their behaviour. This supports the notion that Dual Mandate youths are viewed as actors rather than a victims of their milieu. As such, it is clear that the youths are assessed differently when under a Youth Protection mandate than that of a Young Offenders mandate. Perhaps, an integrated service plan would be required when dealing with Dual Mandate youths, in order to recognize their special needs, hold them accountable for their actions while still allowing them to modify their serious problematic behaviour.

Conclusion

In the course of this research, three research questions were identified.

The research objectives were to:

- describe youths' characteristics and situations that generate Youth Protection and Young Offenders dual involvement at Batshaw Youth and Family Centres;
- describe the rationale behind the application of two laws related to Dual Mandate youths at Batshaw Youth and Family Centres;
- describe the intervention practices for minors both *signaled* and accused or convicted of criminal activity at Batshaw Youth and Family Centres.

Researching this topic produced information that could lend itself to a global understanding of youths subjected to the simultaneous or consecutive interventions of the Youth Protection and Young Offenders Acts. The details are important in connection with the principles and guidelines of the most recent young offenders legislation, the Youth Criminal Justice Act. The relevant findings emphasized, and conclusions drawn, are in direct relation to the responses to the research questions identified above.

Youth characteristics

Our Dual Mandate population is comprised of 25% females (N = 21/84) and 75% males (N = 63/84). Overall, gender did not play a significant role in many of the calculations. Out of a possible 84 cases, 82% (N = 69/84) were first known to the department of Youth Protection, and 18% (N = 15/84) were first addressed at Young Offenders services. It has been established that in 46% of

cases, mothers headed lone family households and retained sole custody of their children. This is much higher than the statistic provided by Census Canada (2001) for the same district (17%). This indicates that the Dual Mandate population has a larger percentage of youths originating from broken homes, headed by mothers, than the general population. We also found it interesting that among the Dual Mandate population, 48% of the youths had no contact with their fathers (N = 37/76) of which 76% (N =28/37) were male. Many studies have emphasized the importance of fathers in the lives of youths (Frechette et Leblanc, 1987). Children who live absent of their biological fathers may experience educational, health, emotional, behavioural problems, and possibly engage in criminal behaviour. One might recognize such difficulties reflected in the lives of these Dual Mandate youths for example in the manner in which they have exhibited defiance of authority, truancy, and learning disabilities to mention a few.

Forty percent of children in our study were known to the department of Youth Protection, under the age of 12. This suggests that 2/5 of the population experienced serious difficulties at a very young age. Interestingly, our study revealed that only 2% of youths were recorded as having first offended at sixteen years of age and no seventeen year olds were noted. One could understand from this information that the Dual Mandate population first serviced by the department of Youth Protection, is a particularly problematic group that have become involved in delinquency and offending behaviour at an early age. As such, this unique group of individuals requires interventions that are geared at addressing their specific needs.

Family background information

We established that parental substance use was present among the group studied and may have contributed to creating this Dual Mandate population. There was an indication of alcohol use by parents in 19% of the files reviewed. Drug use was observed in 23% of the files researched. Inconsistent parental direction or discipline, unclear and/or inconsistent parental rules, and reactions to children's behaviour, have all been associated with alcohol, drug use, delinquency and later offending behaviour in some of the youths in our study. Parental drug use or parental attitudes approving drug use, may predispose children to substance use. Since parents serve as models for their children's behaviour in so many ways, it should not be surprising that children, whose parents consume alcohol, use illegal drugs or condone such behaviour, may be more likely to do so than children whose parents do not. The effect of parental substance use on child behavioural problems has important implications, since such problems experienced in childhood and early adolescence, may be considered important precursors of adolescent drug use as well as delinquency and juvenile offending (Tarolla, Wagner, Rabinowitz, and Tubman, 2002: 127).

Sibling involvement with delinquency and offending behaviour has been reviewed as a risk factor associated with inclusion in the Dual Mandate population. It was noted that at some point during a youth's involvement with either law, at least 44% of the population (N = 37/84) had siblings involved with Youth Protection services. A result such as this may indicate that, youths from the same family may mutually develop similar patterns of problematic behaviour or may be neglected in the same manner, by their parents.

Child functioning and behavioural characteristics

Many factors can put youths and their families at risk for involvement with the department of Youth Protection and Young Offenders services. Such factors may include youths' attention and hyperactivity problems and learning disorders, and/or a volatile temperament to mention just a few. These factors have been identified among our Dual Mandate population. Problems of this nature can affect the way adolescents feel and behave. They may also have the ability to shape how the adolescent is viewed by society. Parental difficulties, such as substance use can also negatively influence a youth's prosocial development. Furthermore, any number of behavioural problems such as, truancy, shoplifting, a fight in school, drug or alcohol use and/or offending behaviour can place youths at an increased risk of becoming a member of the Dual Mandate population. When a youth's behaviour is negatively impacted by that of his/her parents', he/she may begin to display serious behavioural problems and as a result child welfare or juvenile justice services. Research in the area of child and adolescent delinquency has discussed the possible association between learning disabilities and behavioural problems (Tarolla et al., 2002: 127). This has also been witnessed among our Dual Mandate youths. Our review of child functioning data revealed that several Dual Mandate youths have experienced some form of mental illness (20%), learning disability (17%) and/or physical disability (13 %), with a male predominance in each area. As far as behavioural characteristics are concerned, we determined that 50% of the Dual Mandate population was said to have used drugs at some point prior or during their involvement with either service. Four youths out of five (79%) of youths were said to have experienced

difficulties with their behaviour at school; 44% of youths were said to have associated with negative peers; 85% of youths were said to have demonstrated defiance of authority. Lastly, 55% of youths were said to have engaged in some form of unofficial criminality.

Overall, this data suggests that the youths in this study have been faced with serious difficulties at a young age. Factors including, family dysfunction, negative peer influence, child functioning and behavioural difficulties, and substance use by youths and their guardians, have been noted in Dual Mandate dossiers. We conclude that such factors have contributed to their involvement with both services.

Rational for the application of both laws

To understand the rational behind the use of two different laws to intervene on the behalf of the youths in our study, an understanding of the situations that led them to be known under the jurisdiction of both the laws is required.

When reviewing the circumstances surrounding the dossiers requiring Youth Protection interventions prior to and during the Dual Mandate period, it was noted that the majority of files were *signaled* under paragraphs 38 (h) (serious behavioural disturbances) or some combination of paragraph 38 (h) and 38 (e) (in the custody of a person whose behaviour creates a moral or physical risk) of the Youth Protection Act. Youths *signaled* for these reasons, generally, exhibit behaviour that is deemed a threat to themselves or others. Furthermore, parents of the youths *signaled* under these conditions are said to be unable or unwilling to

take steps to rectify their childrens' inappropriate behaviour in the community. In these instances, the youths are considered actors in their trajectory of behavioural disturbances rather than victims, as seen with cases that involve youths *signaled* under paragraphs other than 38 (h) such as physical or sexual abuse, of the Youth Protection Act.

The most common examples of the types of situations that required a *signallement* to be made in regards to paragraph 38 (h) or paragraph 38 (e) or a combination of both include, (1) parents struggling with personal issues making them unable to fulfill their parental responsibilities towards their children, (2) youths who have been unable to properly function or engage in socially acceptable behaviour, (3) youths who have experienced academic difficulties, considered defiant of authority, and display verbal and physical aggressiveness.

This further illustrates that the Dual Mandate youths are a specific group of individuals with particular needs, based on the reasons deemed necessary to *signal* their situations to the department of Youth Protection. Moreover, the behaviour of the Dual Mandate population, coupled with the questionable behaviour of some guardians, may be considered an indication of future involvement in criminal activities. Therefore, parents and/or guardians, and the youths must engage themselves in the intervention process under a first law, in order to effect a positive change and outcome, and more specifically, limit the necessity for the use of a second law.

Some of the types of offences youths were charged with in this study include (1) breaking and entering, (2) theft of a youth's mother's car, (3) uttering death threats, (4) assault against another Youth Protection group home member (5) public mischief, (6) possession of stolen property less than 5000 dollars, and (7) shoplifting. A quick glance at the list of offences could leave the reader with the impression that these acts are simply episodes of delinquency that have graduated to offences, because they have become known to the police. However, when we look at how many times the youth offended during the time of this study a different conclusion can be drawn. We noted that 30% or 40% (depending on which act came first) of the youths researched were arrested for the first time, or rearrested during the Dual Mandate period. The types of situations described above suggest that a non-negligible number of youths first known to the department of Youth Protection for delinquent behaviour were subsequently brought to the attention of Young Offender services, regardless of lengthy interventions under the first Act. This being the case, what can be said regarding the rationale for the separate but dual application of interventions to address both persistent delinquent and offending behaviour witnessed among the youths of this study? We can conclude that the Dual Mandate youths' behaviour, in our study, is central to the rationale behind the implementation of multiple interventions. The implementation of the intervention processes are a means of putting an end to the risky and unlawful behaviour witnessed among this group, in the hopes of preventing future involvement with both services. Given the reach of the mandates of each law, or lack thereof, and the facts of each dossier reviewed, it should have become clear to the researcher that the application of both laws, as

they are today, are both necessary and required to adequately and appropriately intervene on behalf of the Dual Mandate population.

Time spent in system prior to and during the Dual Mandate period

As the youths in this study are the object of multiple interventions, the processes, as well as the amount of time the youths were subjected to the influence of the interventions was reviewed. We established that prior to the application of a second act, the average length of interventions was three years and eight months. Batshaw Youth and Family Centres' statistic for the same year, at the *Application des mesures* stage, was two years. This denotes that, the Dual Mandate population experienced serious behavioural problems and were subjected to lengthy interventions under a first law, for a much longer period than Batshaw Youth and Family Centres' general population. We also noted that prior to the Dual Mandate period nearly half the population (44%) received services for a period of one year or less prior and 1/3 of the population (32%) received services for less than six months. At the opposite end of the spectrum, 25% of the population received services for five years and 17% for ten years or more. This suggests that some of youths in this study required short interventions, while a noteworthy proportion required long-term interventions. This may also suggest that prior to the second act, the situations of some youths were particularly problematic. Furthermore, it may be presumed that the problematic behaviour witnessed among the youths who required short interventions under the first act may not have been eliminated, and as such, required a successive intervention.

When looking at the length of interventions during the Dual Mandate period, an average length of 20 months was noted. It was also established that prior to and during the Dual Mandate period, every intervention stage was required. This further suggests that the Dual Mandate population is a complex group of individuals who are viewed as requiring lengthy interventions. It was established that three out of ten youths were taken charge of under both laws for longer than one year. This is noteworthy as it indicates that at least 31% of offending youths were known to Young Offenders services for over one year. This supports the notion that the Dual Mandate population includes a problematic group of youths, requiring both lengthy Youth Protection and Young Offenders interventions.

Youth protection and young offenders intervention processes: Measures and goals

At the heart of the intervention process are the measures and aspired goals. In essence, the measures and goals are implemented to bring an end to situations that compromise the security and/or development of youths under a Youth Protection mandate, as well as making the youth accountable for his/her actions while still recognizing the special needs of the offender under in Young Offenders dossiers. In Youth Protection cases, once the situation has been evaluated and it is determined that the security or development of the youths are compromised, the objective is to apply the most appropriate measures to end the youths' endangerment. Youth protection measures can be "protective" in nature and others are put in place to exert control. Control measures are typically imposed on youths when their behaviour is the rational for imposing measures and the parents are unable and/or unwilling to exercise their parental

responsibilities to ensure their youth's security and development. Control measures can include supervision, respecting obligations, imposition of specific rules and requirements on the youths and the parents as well as periodic monitoring of the situation. We understand that the aspired goals sought in connection with the assigned or imposed youth protection measures reflect an underlying motivation to effect long-lasting change to youths' behaviour and ensuring that parents learn to effectively assume and apply their parental responsibilities. However, the general trend observed with the goals sought in connection with interventions aimed at youths signaled under paragraph 38 (h) and paragraph 38 (e) of the Youth Protection Act, is less clear. In these instances, the youths are presented as both victims of a situation, which other people redress, and as actors who must participate in the envisioned solution.

Interestingly, a review of the measures associated with Young Offenders dossiers displayed a similarity with the youth protection measures described above involving cases signaled under paragraph 38 (h) (serious behavioural disturbances) of the Youth Protection Act. The measures were also imposed to effect change to the youths' behaviour and in this sense, the youths were also viewed as perpetrators not victims and their behaviour was at the root of their involvement with the service. However, contrary to the Youth Protection model, the family was not part of the intervention and absent from the aspired goals in Young Offenders dossiers. The goals ascribed to the Young Offenders measures explicitly expressed in terms of behaviour control.

We noted that 69% of the total population studied received youth protection measures prior to the application of the second act. Moreover, when the Young Offenders Act was the second act in application 84% of the population either was already under an existing department of Youth Protection measure or received a new Youth Protection measure. Of the measures assigned, 77% were court ordered or a mix of both court ordered and voluntary and 23% were voluntary. It was determined that when the Youth Protection Act was the second act in application over 53% of the population had received young offenders services measures prior to its application, of which the majority of cases were also court ordered. We also noted that when alternative measures were agreed upon, prior to the Dual Mandate period, the cases were referred back to court, in two out of three cases.

A review of the Dual Mandate period provided significant information about the use of both youth protection and young offenders services measures. Of noteworthy importance is the fact that, regardless of the order in which the laws were implemented, a significant number of youths were subjected to measures or received new and or additional measures during this period. Furthermore, most of the measures assigned during this period were court ordered. We noted that when the Youth Protection Act was the second act in application, 87% of the population received a new Youth Protection measure. Similarly, when the Young Offenders Act was the second act implemented 90% of the youths either were already under an existing Youth Protection measure or received a new Youth Protection measure. It was established that 92% of the Dual Mandate population was under an existing Young Offenders services measure or a new measure

during the Dual Mandate period. In addition, when the Youth Protection Act was the second act in application during the Dual Mandate period, a small proportion of youths (12%) were either already under an existing Young Offenders services measure or received a new Young Offenders services measure. Finally, when the Young Offenders Act was the second act in application, 98% of the Dual Mandate population received new young offenders services measures.

The conclusion that is drawn from the above statistics is that a significant number of youths were subjected to measures prior to, and during the Dual Mandate period. Moreover, court ordered measures were more often imposed than voluntary and/or alternative measures. This reinforces the notion that the situations of the youths involved in this study are highly problematic and, as such, court ordered measures were required to ensure compliance. It is also understood that given the circumstances related to each case, voluntary and/or alternative measures were not deemed suitable options.

Implications

The Youth protection Act in Quebec is legislated differently than in Canada's other provinces. It allows for the identification of risk factors in situations where serious behavioural problems are at the core. We have seen similarities in the measures imposed on youths involved with the department of Youth Protection and Young Offender services. However, the goals of the interventions are specific to each case and do not involve the family where Young Offenders cases are concerned. One could speculate whether any benefit could be found in integrating services as a means of intervening on behalf of Dual Mandate youths,

more specifically when it appears that the youths' behavioural problems and delinquency are central to their involvement with either service. In such a situation, one worker could become involved with the case in order to evaluate, implement strategies and monitor the youths' behaviour, in an attempt to prevent future situations of risk and criminality. As explained, Batshaw Youth and Family Centres' Residential Services Program is the only service point where one worker has the authority to intervene with respect to both Youth Protection and Young Offenders mandates. It was noted that in two of the cases reviewed qualitatively, it appeared that the Dual Mandate families involved were reluctant to revisit the entire situation with a new worker. It is important to understand that the majority of cases in this study were first known to the department of Youth Protection and then to Young Offenders services. This indicates that a large number of youths first experienced serious behavioural difficulties before their criminal dossiers were established. Furthermore, we are of the opinion that their behaviour, coupled with a parent's inability or unwillingness to fulfill their parental responsibilities, may have aided their path to becoming juvenile offenders. If this is the case, then preventative measures as well as controlling and protective measures could be implemented under the Youth Protection Act in light of the Youth Criminal Justice Act's lack of provisions for the use of custody as a means of social intervention. It is not difficult to imagine that certain children and adolescents first involved with Young Offenders services suffer from some type of behavioural problems, which may require addressing under paragraph 38 (h) of the Youth Protection Act. In this sense, perhaps a youth arrested and charged for example with mischief, shoplifting, or theft of a mother's car would better benefit from interventions, such as those addressed

under the Youth Protection Act, rather than alternative measures under the Young Offenders Act (or now extra-judicial sanctions under the Youth Criminal Justice Act.) However, one must look at the implications of suggesting such a method of intervening on behalf of Dual Mandate youths. The issue of separate versus integrated intervention plans involving Dual Mandate youths is rather complex. It is not merely an administrative choice that the two processes have not yet been meshed. As stated earlier, although some similarities were identified between measures agreed upon or imposed for youths *signaled* under paragraph 38 (h) of the Youth Protection Act and those dealt with under the Young Offenders Act, few similarities were recognized when analyzing the ascribed goals. The use of voluntary, alternative and court ordered measures raise different legal issues. Moreover, the issue of confidentiality can definitely be raised. Should information concerning criminal acts uncovered during a Youth Protection evaluation be used to accuse a youth in criminal court? If so, could one expect youths and their families be truly honest during such evaluations and completely invest themselves in the intervention knowing full well that any information gleaned from their involvement with one service can be used against them during another? In theory, envisioning an integrated service plan may appear be an effective way of intervening on behalf of this unique population, however, any and all concerns surrounding its implementation, in addition to the few raised above, would clearly need to be addressed before it ever came to fruition.

Bibliography

Bala, N. (2003). *Brief on the proposed new Youth Criminal Justice Act (Bill c-7)*. Retrieved from the world wide web

<http://qsilver.queensu.ca/law/papers/ycjabrief-oct2001.htm>. Retrieved on March 24, 2003.

Barron, C.L. (2000). *Giving youth a voice. A basis for rethinking adolescent violence*. Nova Scotia: Fernwood Publishing.

Batshaw Youth and Family Centres, (2003). *Annual Report 2002-2003*. Montreal: Batshaw Youth and Family Centres.

Bell, S.J. (1999). *Young offenders and juvenile justice: A century after the fact*. Ontario: International Thomas Publishing.

Benbenishty, R., Osmo, R., & Gold, N. (2003). Rationales provided for risk assessment and for recommended interventions in child protection: a comparison between Canadian and Israeli professionals. *British Journal of Social Work* 33/2, 137-155.

Brunelle, N., Cousineau, M.-M., Brochu, S. (2002). La famille vécue par des jeunes consommateurs de drogues et trajectoires types de déviance juvénile. *Revue drogue, santé et société*, 1 (1), 82-103.

Bryman, A. (2001). *Social research methods*. New York: Oxford University Press.

Carrigan, D.O. (1998). *Juvenile delinquency in Canada: A history*. Ontario: Irwin Publishing Co.

Cellard, A.,(1997). *L'Analyse documentaire*, in Poupart, J., Deslauriers, J-P., Groulx, L., Laperrière, A., Mayer, R., Pires, A. (Eds), *La recherche qualitative : enjeux épistémologiques et méthodologiques*. Gaetan Morin, Boucherville, pp. 251-270.

Cresswell, J.W. (2003). *Research design qualitative, quantitative and mixed methods approaches* (2nd ed.). Thousand Oaks: Sage Publications.

Denzin, N.K., & Lincoln, Y.S. (Eds.). (2000). *The handbook of qualitative research* (2nd ed.). Thousand Oaks: Sage Publications.

Department of Justice (1999). *Canada's youth criminal justice act: a new law a new approach*. Retrieved from the world wide web <http://department of justice>. Retrieve on February 23, 2003.

Direction de l'adaptation sociale (1993). *Loi sur les jeunes contrevenants manuel de reference*. Québec: Bibliothèque National du Québec.

Doob, A.N., & Cesaroni, C. (2004). *Responding to youth crime in Canada*. Toronto: University of Toronto Press Incorporated.

Faugras, F., Moisan, S., Fournier, J., & Laquerre, C. (1998). *Les lois en centre jeunesse*. Beauport, Québec: Centre jeunesse de Québec.

Fitzgerald, J.D., & Cox, S.M. (2002). *Research methods and statistics in criminal justice. An Introduction* (3rd ed.). Belmont, CA: Wadsworth Thomas Learning

Fréchette, M. & Leblanc, M. (1987). *Délinquances et délinquants*. Chicoutimi: Gaëtan Morin.

Guba, E.G. (1990). *The paradigm dialog*. Newbury Park, Ca: Sage Publications.

Hagan F.E. (1997). *Research methods in criminal justice and criminology* (4th ed.). Boston: Allyn and Bacon

Hanigan, P. (1990). *La Jeunesse en difficulté*. Québec: Presse de L'Université du Québec.

Holland, S. (2000). The assessment relationship: interactions between social workers and parents in child protection assessment. *British Journal of Social Work* 30, 149-163.

Jacob, M & Laberge, D. (2001). L'évaluation des signalements à la direction de la protection de la jeunesse: étude des facteurs qui influencent les décisions prises par les intervenants. *Criminologie* 34/1, 123-155.

Jonson-Reid, M. & Barth, R.P. (2000). From maltreatment report to juvenile incarceration: The role of child welfare services. *Child Abuse and Neglect* 24/4, 505-520.

La Coalition pour la Justice des Mineurs (1999). *Un système de justice pénale pour les adolescents ou contre les adolescents*. Québec.

Mann, R.M. (2000). *Juvenile crime and delinquency: A turn of the century reader*. Toronto: Canadian Scholar's Press.

Québec, Ministère de la Santé et des Services sociaux (2004). *Manuel de référence : l'application de la Loi sur le système pénal pour les adolescents dans les centres jeunesse*. Québec: Ministère de la Santé et des Services sociaux.

Québec, Ministère de la Santé et des Services sociaux (1993). *Manuel de référence: Loi sur les jeunes contrevenants*. Québec: Ministère de la Santé et des Services sociaux.

Québec, Task force on the revision of the reference manual on the Youth Protection Act (1999). *Reference Manual on Youth Protection*. Québec: Ministère de la Santé et des Services sociaux.

Polit, D.F., Tatano Beck, C., & Hungler, B.P., (2001) *Essentials of nursing research. Methods, appraisal, and utilization* (5th ed.). Philadelphia: Lippincott.

Quezada, A. (2001). *La pratique du service social au sein des centres jeunesse: Un analyse critique*. Rapport de Stage: Université de Montréal.

Robson, C. (1993). *Real world research*. Cambridge, MA : Blackwell Publishers.

Shahid, A. (2000). *Youth and the Canadian criminal justice system*. Cincinnati, OH: Anderson Publishing Co.

Smandych, R.C. (2001). *Youth Crime. Varieties, theories, and prevention*. Toronto: Harcourt Canada.

St-Pierre, B. (2002). *L'article 35- Réflexions et recommandations. Document de travaille pour le comité d'implantation de la LSPJA*. Quebec.

Statistics Canada (2001). *Census*. Retrieved from the world wide web. <http://www12.statcan.ca/english/census01/products/standard/profiles/retrieveprofile.cfm>. Retrieved on May 02, 2005.

Tanner, J. (2001). *Teenage troubles. Youth and deviance in Canada*(2nd ed.). Toronto: Nelson Thomson Learning.

Tarolla, S.M., Wagner, E.F., Rabinowitz, J., & Tubman, J.G. (2002). Understanding and treating juvenile offenders: A review of current knowledge and future directions. *Aggression and Violent Behavior* 7, 125-143.

Trépanier, J. (1998). *Young offenders and their families*, in *Young Offenders and their Families: The Human Rights Issue* (p. 24-48). Mönchengladbach (Allemagne): Forum Verlag Godesberg VmbH.

Trépanier, J. (1999). La Justice des mineurs au Canada. Remise en question à la fin d'un siècle. *Criminologie*, 32/2, 7-35.

Trépanier, J. (2003). Le futur des pratiques dans un nouveau cadre légal visant les jeunes contrevenants. *Revue de Droit*, 34/1-2 47-89.

Trépanier, J. (2003). *Loi sur le système de justice pénale pour adolescents, chapitre 1er, Lois du Canada 2002. Historique et commentaires sur les principes de la loi*. Session de formation des juges de la Cour du Québec, 14-17 janvier 2003.

Tustin, L., & Lutes, R.E. (2003). *A guide to the Youth Criminal Justice Act*. Ontario: Butterworths Canada Ltd.

Westhues, A., Cadell, S., Carabanow, J., Maxwell, L., & Sanchez, M. (1999). The creation of knowledge: Linking research paradigms to practice. *Canadian Social Work Review* 16/2, 129-149.

Winterdyke, J.A., (2000). *Issues and perspectives on young offenders* (2nd ed.). Toronto: Harcourt Canada.

Laws Consulted:

Juvenile Delinquents Act, Revised Statutes of Canada, 1970, Chapter J-3.

Youth Protection Act, Revised Statutes of Quebec, Chapter P-34.1.

Young Offenders Act, Revised Statutes of Canada, 1985, Chapter Y-1.

Youth Criminal Justice Act, Statutes of Canada, 2002, Chapter 1

Annex 1

Sections 38 and 38.1 of the Youth Protection Act

CHAPTER IV

SOCIAL INTERVENTION

DIVISION I

SECURITY AND DEVELOPMENT OF A CHILD

Security or development endangered.

38. For the purposes of this Act, the security or development of a child is considered to be in danger where

- (a) his parents are deceased or do not, in fact, assume responsibility for his care, maintenance or education;
- (b) his mental or affective development is threatened by the lack of appropriate care or by the isolation in which he is maintained or by serious and continuous emotional rejection by his parents;
- (c) his physical health is threatened by the lack of appropriate care;
- (d) he is deprived of the material conditions of life appropriate to his needs and to the resources of his parents or of the persons having custody of him;
- (e) he is in the custody of a person whose behaviour or way of life creates a risk of moral or physical danger for the child;
- (f) he is forced or induced to beg, to do work disproportionate to his capacity or to perform for the public in a manner that is unacceptable for his age;
- (g) he is the victim of sexual abuse or he is subject to physical ill-treatment through violence or neglect;
- (h) he has serious behavioural disturbances and his parents fail to take the measures necessary to put an end to the situation in which the development or security of their child is in danger or the remedial measures taken by them fail.

Security or development not endangered.

However, the security or development of a child whose parents are deceased is not considered to be in danger if a person standing *in loco parentis* has, in fact, assumed responsibility for the child's care, maintenance and education, taking the child's needs into account.

1977, c. 20, s. 38; 1981, c. 2, s. 8; 1984, c. 4, s. 18; 1994, c. 35, s. 23.

Security or development endangered.

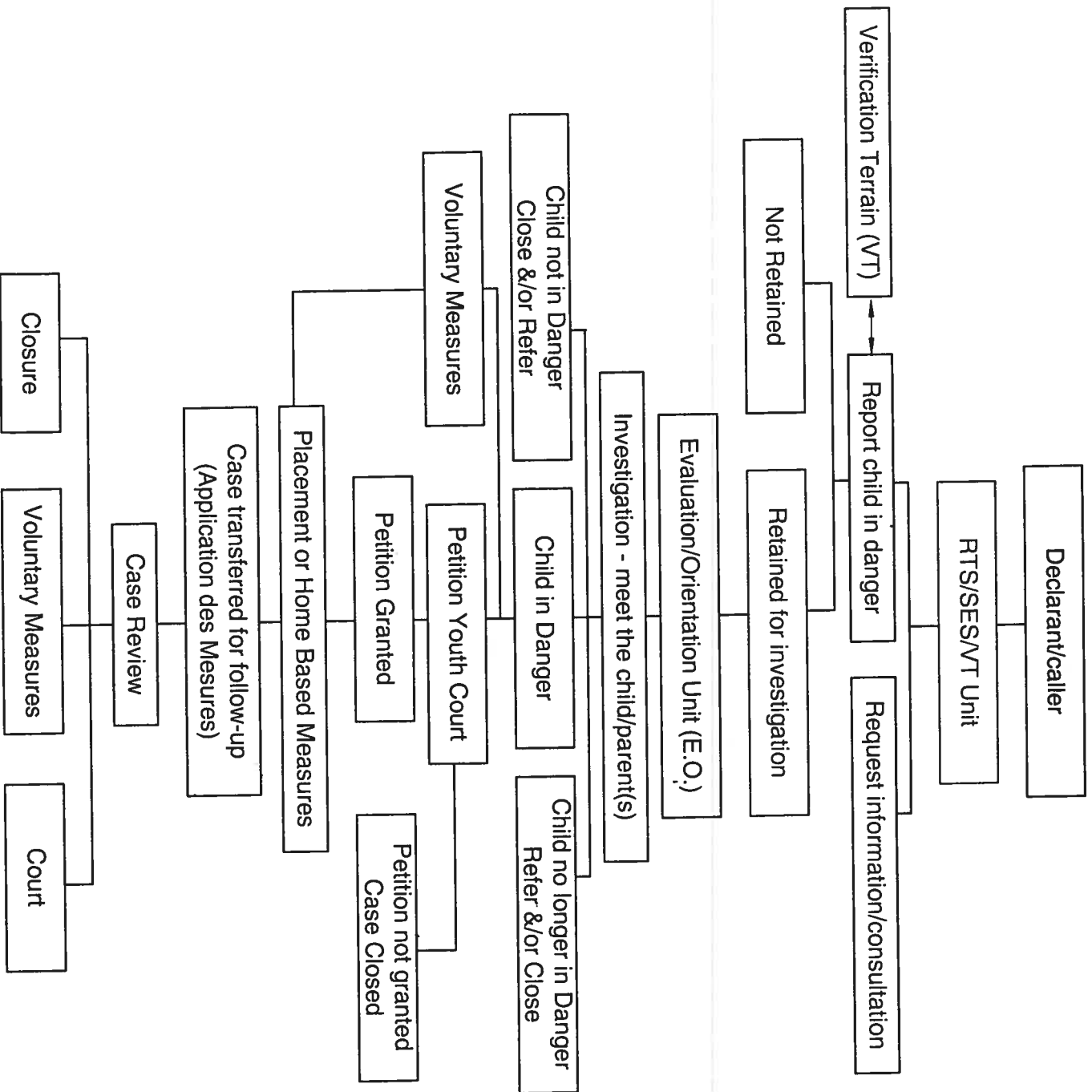
38.1. The security or development of a child may be considered to be in danger where

- (a) he leaves his own home, a foster family, a facility maintained by an institution operating a rehabilitation centre or a hospital centre without authorization while his situation is not under the responsibility of the director of youth protection;
- (b) he is of school age and does not attend school, or is frequently absent without reason;
- (c) his parents do not carry out their obligations to provide him with care, maintenance and education or do not exercise stable supervision over him, while he has been entrusted to the care of an institution or foster family for one year.

1984, c. 4, s. 18; 1989, c. 53, s. 4; 1992, c. 21, s. 221, s. 375; 1994, c. 35, s. 24.

Annex 2
The youth protection system grid

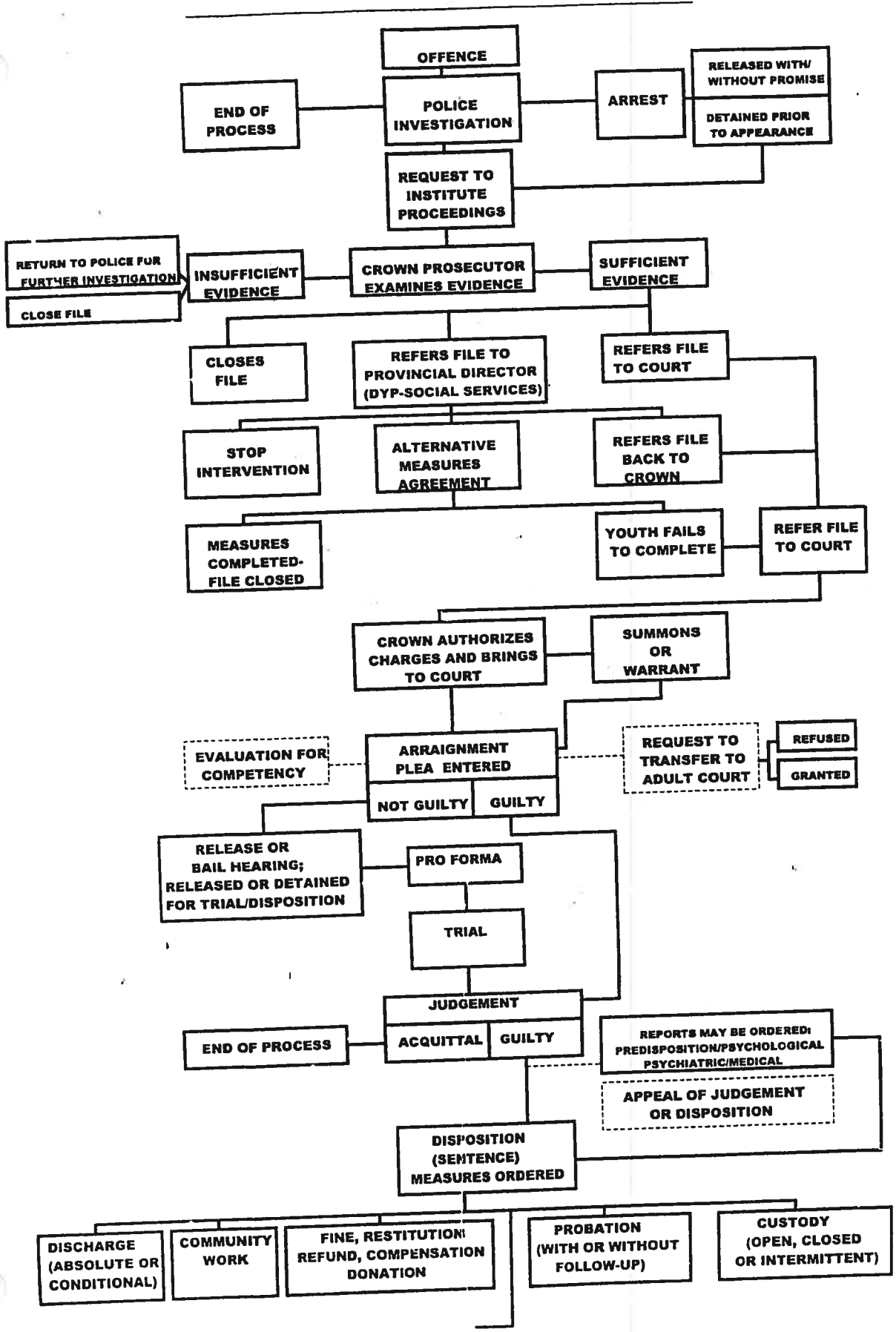
The Youth Protection System



Annex 3
The young offenders system grid

YOUNG OFFENDERS ACT:

Application in Quebec



Annex 4
Quantitative survey instrument

DUAL MANDATE SURVEY INSTRUMENT

IDENTIFICATION NUMBER: _____

A. Basic Client Information Section (as of March 31, 2003)

	CODE
AGE:	
GENDER 1. Male 2. Female	
BIRTHPLACE 1. Canada 2. Other: _____	
ETHNO-RACIAL GROUP 1. Caucasian 2. Black North American 3. Black African 4. Black Islands 5. Native 6. Asian 7. Arabic 8. Other: _____	
MOTHER TOUNGE 1. English 2. Other: _____	
BIOLOGICAL PARENTS IDENTIFIED 1. Mother 2. Father 3. Both 4. Neither	
CONTINUOUS LIFE CONTACT WITH BIOLOGICAL PARENTS 1. Mother 2. Father 3. Both 4. Neither – since: _____	
SIBLINGS # of biological: _____ # of maternal: _____ # of paternal: _____ # of step: _____ Total # _____	
Have other children in family been involved with DYP? 1. No 2. Yes	
Have other children in family been involved with YOA? 1. No 2. Yes	
LEGAL CUSTODY OF CHILD 1. mother/father 2. mother/father joint 3. mother 4. mother/partner 5. father 6. father/partner 7. other family member: _____ 8. DYP 9. adoptive parent(s) 10. other: _____	
PRIMARY RESIDENCE 1, Natural Environment 2. Specific Foster Care 3. Foster Care 4. Group Home Community 5. Group Home Campus 6. Locked 7. Independent Living 8. Treatment Centre. Since _____ If child is in natural environment, please indicate family composition; 1. Two parent biological 2. Two parent blended 3. Single parent 4. single parent/partner If child is in natural environment, specific or regular foster care, please indicate social economic status of caregiver; 1. welfare 2. low-income 3. middle-income 4. high-income 5. Unknown 6. N/A	

DEPARTMENT OF YOUTH PROTECTION STATUS

1. Active under Article(s): _____ From: ____/____/____
 a Signalement b Evaluation c Eval/placement d Orientation e Orien/placement
 f Intervention Terminale g Voluntary Measures h VM/placement
 i Court Imposed Non-placement Measures
 j Court Imposed Placement Measures
 Location: _____ Length of Placement: _____

2. Inactive
 Since: _____

YOUNG OFFENDERS ACT STATUS

1. Closed 2. Charges Pending 3. Completing Alternative Measures
 4. Completing Court Non-Imposed Non-Placement Measures 5. Completing Placement Measures.

B. Basic Biological Family History Section (as of March 31, 2003)

HISTORY OF:	CODE
Alcohol 1. maternal only 2. paternal only 3. both 4. None 5. Unknown 6. maternal/unknown 7. paternal/unknown	
Drugs 1. maternal only 2. paternal only 3. both 4. None 5. Unknown 6. maternal/unknown 7. paternal/unknown	
HISTORY OF DYP INVOLVEMENT 1. maternal only 2. Paternal only 3. both 4. None 5. Unknown 6. maternal/unknown 7. paternal/unknown	
Physical 1. maternal only 2. Paternal only 3. both 4. None 5. Unknown 6. maternal/unknown 7. paternal/unknown	
Neglect 1. maternal only 2. Paternal only 3. both 4. None 5. Unknown 6. maternal/unknown 7. paternal/unknown	
Spousal Violence 1. maternal only 2. Paternal only 3. both 4. None 5. Unknown 6. maternal/unknown 7. paternal/unknown	
Official Criminal History 1. maternal only 2. Paternal only 3. both 4. None 5. Unknown 6. maternal/unknown 7. paternal/unknown 1. Yes 2. No: _____	

C. CHILD FUNCTIONING

PRESENCE OF:	CODE			
	0-11 yrs	12-13 yrs	14-15 yrs	16-17 yrs
1 - UNKNOWN 2- NO 3 - YES				
HEALTH				
Mental illness				
Learning Disabilities				
Physical - ailment/disability				
BEHAVIORS				
Substance Abuse				
AWOL				
Academic Difficulties				
RELATIONSHIPS				
Negative peers				
Defiance of authority				
UNOFFICIAL CRIMINAL ACTIVITY (Offences Unknown to Authorities)				

Annex 5
Qualitative survey instrument

Qualitative Survey Instrument

Objective 1

Describe client characteristics and situations that generate Youth Protection and Young Offender dossiers specific to dual mandate clients at Batshaw Youth and Family Centres.

Objective 2

Describe the rationale behind the application of both laws regarding dual mandate cases at Batshaw Youth and Family Centres.

Objective 3

Describe the intervention practices for minors both signaled and accused or convicted of criminal activity at Batshaw Youth and Family Centres.

First Law in Application:

1. Which law was in application first at April 1, 2002
2. What event necessitated the application of the first law as of April, 2002
3. Which articles of law were applied as a result of the application of the first law?
4. What was the desired outcome of the intervention?
5. Which services (open and or closed) were used during the period of this study (April 1, 2002 to March 31, 2003) with respect to the first law?
6. What measures were put in place at each separate stage of the intervention process with respect to the application of the first law?
7. If measures were applied were they voluntary or court ordered, judicial or alternative?
8. Was placement / custody a measure? If so was placement /custody open or closed and what was the duration of the placement/custody order?
9. Prior to the application of the second law, did the dossier for which the first law was already active reflect concerns about the potential application of the second law?

Second Law in Application:

1. What event directly caused the application of the second law?
2. Which new articles of law were applied as a result of the second law?
3. What was the new desired outcome of the intervention based on the second law?
4. What new services (open and or closed) were used during the period of this study (April 1, 2002 to March 31, 2003) with respect to second law?
5. What new measures were put in place at each separate stage of the intervention process with respect to the application of the second law?
6. If new measures were applied were they voluntary or court ordered, judicial or alternative?
7. Was placement/ custody a new measure? If so was placement/custody open or closed and what was the duration of the placement/custody order?

8. At the time the second law was applied, were their services pending with respect to the first law?
9. When the second act was applied what, if any, new information became available that wasn't already present in the dossier open under the first law? Were new people interviewed? What information was common or remained constant among both files?
10. Is there an indication that a new worker involved with an existing client, already known under the first law, has access to the information available from the dossier open under the first law?
11. Can the application of the second law be seen as related to or resulting from some process involving the application of the first law?

Annex 6

Court ordered authorization to access information

**COURT OF QUEBEC
YOUTH DIVISION**

NO: 525-51

Michael GODMAN

Petitioner

**MOTION TO ALLOW
ACCESS TO INFORMATION**
(s. 119, Youth Criminal Justice Act)

**Me Sym-Anthony Davis
LAMOUREUX, ARCHAMBAULT**
Barristers and Solicitors, Avocats
410 rue Bellechasse Est, Suite 300A
Montréal, Québec, H2S 1X3
Téléphone: 273-9533

AN 4187

CANADA

COURT OF QUEBEC
(YOUTH DIVISION)

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

NO: 525-51-

Michael GODMAN, Director of Youth Protection and
Provincial Director of Ville Marie Child and Youth
Protection Centre, working at 5 Weredale Park,
Westmount, Quebec, H3Z 1T5

PETITIONER

MOTION TO ALLOW ACCESS TO INFORMATION
(Section 119, Youth Criminal Justice Act)

TO ONE OF THE JUDGES OF THE COURT OF QUEBEC, YOUTH DIVISION,
SITTING IN OR FOR THE DISTRICT OF MONTREAL, THE PETITIONER
RESPECTFULLY SUBMITS:

1. The Petitioner is the Provincial Director of Batshaw Youth and Family Centres;
2. The Petitioner supports collaborative research with academic institutions regarding issues related to the mandate of Batshaw Youth and Family Centres;
3. The Petitioner supports the specific research project of Heather Sago, who is a Batshaw youth protection worker and a McGill University Masters student at the School of Social Work, where she is supervised by Sydney Duder;
4. The research project of Heather Sago investigates the possible link between negligence or abuse of a child at an early age and its effect on the delinquency profile of that child during adolescence, the whole as it appears from the document that will be filed during the hearing of this Motion;
5. The Petitioner also supports the specific research project of Lyndee Michaelson, who is a Batshaw youth protection worker and a Masters student at l'École de criminologie de l'Université de Montréal, where she is supervised by Jean Trépannier;
6. The research project of Lyndee Michaelson investigates decision and intervention processes in cases of youths who were dealt with under both the Youth Protection Act on one hand, and the Young Offenders Act or the Youth Criminal Justice Act on the other hand, the whole as it appears from the document that will be filed during the hearing of this Motion;

7. In order to carry out the above-mentioned research projects, Heather Sago and Lyndee Michaelson require access to confidential information contained in selected Batshaw Youth and Family Centres dossiers, enumerated on a list that will be filed during the hearing of this Motion;
8. Parts of the selected dossiers were maintained by Batshaw Youth and Family Centres according to section 44 of the Young Offenders Act, and are presently maintained according to section 119 of the Youth Criminal Justice Act;
9. The Petitioner believes that Heather Sago and Lyndee Michaelson have a valid interest in the information contained in the selected dossiers;
10. The Petitioner believes that it is desirable in the public interest for research purposes to authorize access to the 91 selected dossiers by Heather Sago and Lyndee Michaelson;
11. The Petitioner believes that certain safeguards must be in place to limit the extent of access to the dossiers, namely:
 - a) that no identifying nominative information is revealed throughout the course of the research or in the resulting thesis, or any time thereafter;
 - b) that no information is presented in any way that could allow for the subject or the family to be identified;
 - c) that in any document copied and retained by Heather Sago or Lyndee Michaelson in their research files at McGill University or at the Université de Montréal, all references that may allow for the identification of the subject or family be blacked out or erased;
 - d) that this authorization for access be limited to a period not exceeding one year;
12. Given the magnitude of the research and the number of dossiers involved, it is not reasonably possible to contact each young person, his or her parents, and all third parties who provided information for the dossier in order to obtain their consent to allow access to the selected dossiers;
13. Neither is it reasonably possible to make separate motions for permission for access to each dossier;
14. This Motion is well-founded in fact and in law;

WHEREFORE, MAY IT PLEASE THE COURT:

AUTHORIZE access by Heather Sago and Lyndee Michaelson to dossiers held by Batshaw Youth and Family Centres under the following conditions and modalities;

- a) no identifying nominative information may be revealed throughout the course of the research or in the resulting thesis;
- b) no information may be presented in any way that could allow for the subject or the family to be identified;
- c) in any document copied and retained in the research files at McGill University, all references that may allow for the identification of the subject or family must be blacked out or erased;
- d) access shall be limited to a period not exceeding one year;

THE WHOLE without costs.

MONTREAL, this 23rd day of June, 2004.

LAMOUREUX, ARCHAMBAULT
Attorneys for the Petitioner

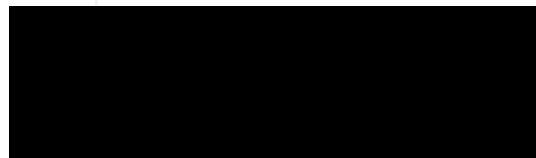
AFFIDAVIT

I, the undersigned, Michael Godman, Provincial Director of Batshaw Youth and Family Centres, do solemnly affirm:

1. I support collaborative research with academic institutions regarding issues related to the mandate of the Youth Centre;
2. More particularly, I support the collaborative research project of Heather Sago, who is a youth protection worker and a McGill University Masters student at the School of Social Work;
3. In order to carry out her research project, Heather Sago requires access to selected Batshaw Youth and Family Centres dossiers, each of which contains information which has been maintained according to section 44 of the Young Offenders Act and section 119 of the Youth Criminal Justice Act;
4. I believe that Heather Sago has a valid interest in the selected dossiers;
5. I believe that it is desirable in the public interest for research purposes to authorize access to the selected dossiers by Heather Sago,
6. I also support the specific research project of Lyndee Michaelson, who is a Batshaw youth protection worker and a Masters student at the Centre International de criminologie comparée de l'Université de Montréal;
7. In order to carry out her research project, Lyndee Michaelson requires access to selected Batshaw Youth and Family Centres dossiers, each of which contains information which has been maintained according to section 44 of the Young Offenders Act and section 119 of the Youth Criminal Justice Act;
8. I believe that Lyndee Michaelson has a valid interest in the selected dossiers;
9. I believe that it is desirable in the public interest for research purposes to authorize access to selected dossiers by Lyndee Michaelson;
10. It would not be logistically possible to attempt to contact of all the young persons, parents and third parties who provided information to the dossiers in order to request access;

11. I believe that certain safeguards must be in place to limit the extent of access to the dossiers, namely:
- a) that no identifying nominative information is revealed throughout the course of the research or in the resulting thesis, or any time thereafter;
 - b) that no information is presented in any way that could allow for the subject or the family to be identified;
 - c) that in any document copied and retained by Heather Sago or Lyndee Michaelson in their research files at McGill University or at the Université de Montréal, all references that may allow for the identification of the subject or family be blacked out or erased;
 - d) that this authorization for access be limited to a period not exceeding one year;
12. With the above safeguards in place, I support granting access to Batshaw Youth and Family Centres by Heather Sago and Lyndee Michaelson.

AND I HAVE SIGNED



Michael Godman

Solemnly affirmed before me,
in Westmount, Quebec,
this 23rd day of June, 2004.



COMMISSIONER OF OATHS IN AND
FOR THE DISTRICT OF MONTREAL