

TRANSIENT MALE YOUTHS' PERCEPTIONS OF THEIR EXPERIENCES WITHIN THE
CANADIAN YOUTH CRIMINAL JUSTICE SYSTEM

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Abstract

The Youth Criminal Justice Act (YCJA) altered the Canadian youth criminal justice system in an effort to reduce youth custody and court use. This legislation also promised to uphold the more youth-focused principles of providing meaningful consequences, rehabilitation and reintegration, addressing underlying causes of youth offending, and upholding youth's rights as set forth by the United Nations Convention on the Rights of the Child. Although the YCJA was successful at reducing youth custody and court use, there is some question as to whether its implementation is adhering to its key principles, particularly in regards to certain populations such as transient youth, who are disproportionately represented in the Canadian Youth Justice System. I interviewed five transient male youth between the ages sixteen to eighteen in order to get a sense of how they perceive the system, their experiences within it, and how it impacts them. By analyzing the data through the lens of the paradigm of critical pedagogy I discovered that, despite some evidence of youth-focused practices, this system continues to impact transient male youth in an oppressive manner, one that undermines the key principles declared in its legislation.

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Chapter 1: Groundwork

1.1 Introduction

Youth homelessness is a growing problem in Canadian society, (Halifax Regional Municipality, 2003; 2005; Karabanow, 2004; Krüsi, Fast, Small, Wood, & Kerr, 2010; Raising the Roof, 2009) and gaps within the support services for this population are leaving many homeless and at-risk youth vulnerable to involvement with the Youth Criminal Justice System (Baron 2003; Douglas, 2011; Gaetz, 2002; Green & Healy, 2003; Ottawa Public Health, 2011; University of Ottawa, 2008). Although the Youth Criminal Justice Act (S.C. 2002, c.1) altered Canadian legislation in an effort to create a more responsive youth-focused approach to youth justice, this system remains inherently oppressive because it is predicated on dominant social ideologies that are more concerned with social control than with serving the best interests of youth. There is some indication that the Canadian Youth Criminal Justice System genuinely impacts all youth in an oppressive manner, however it is necessary to gauge the perspectives of transient male youth who have had ample experience within this system in order to understand the extent and nature of this impact. In this respect, I have completed a qualitative research study on transient male youths' perceptions of their experiences within the Canadian Youth Criminal Justice System by conducting several semi-structured interviews that have hopefully provided for a more in-depth understanding of how this population perceives their involvement within this system.

1.2 Personal Motivation

My own professional experience as a youth worker with Phoenix Youth Programs has made it clear to me that a great many transient youth are involved with this system, and that their experiences within this system are fraught with barrier upon barrier to successfully navigating their way through the justice process. I have heard countless stories of youth whose involvement with this system prevents them from improving their situation, and whose experiences are largely negative and leave them confused and frustrated. As a youth worker in the non-profit sector, this leaves me feeling powerless to understand or to aid their struggles within a system that has such a profound impact on their lives. Thus, I felt that such a study was necessary in order to further our understanding of how aspects of this system impact transient youth by examining their individual perspectives; and perhaps this information will lead to changes in non-profit and justice services that will better support this vulnerable population.

1.3 Literature Review

In this section, I will review current literature on youth homelessness, provide a brief summary of the present youth criminal justice legislation in Canada, and then discuss the existing literature relevant to the intersection of these two topics. As the literature shows, youth homelessness is on the rise in Canada (Halifax Regional Municipality, 2003; 2005; Karabanow, 2004; Kraus, Eberle, & Serge, 2001; Raising the Roof, 2009) and those belonging to low socioeconomic groups and minorities make up the majority of this population (Andreychuk & Fraser, 2007; Dalhousie University, 2006; Halifax Regional Municipality, 2005). Research has also shown that transient youth are highly overrepresented in the Youth Criminal Justice System (Gaetz, 2002; Ottawa Public Health, 2011; University of Ottawa, 2008) and that youth involved with this system do not receive adequate education about their rights and about legal processes, they are often subject to unfair treatment at the hands of legal professionals, and they tend to have difficulty exercising their rights due to feelings of powerlessness (Goodwin-De Faria & Marinos, 2012).

1.3.1 Definitions of Youth and Homelessness

The literature on homeless youth lacks consensus regarding how to define the concepts of both ‘youth’ and ‘homelessness’, thus making it difficult to communicate exactly what one means when discussing this population.

Youth. There is no widespread agreement on the boundaries between childhood, youth, and adulthood, making it difficult to define the term ‘youth’ and the age to which this refers. The United Nations Convention on the Rights of the Child (UNCRC) defines a child as a person who is less than eighteen years of age, but allows countries to choose to set the legal age of adulthood as younger than eighteen (United Nations General Assembly, 1989). The UNCRC does not use

the term ‘youth’, and clearly the concept of childhood is malleable, since each country is able to impose their own interpretation in place of the one provided by the UNCRC. According to Canada’s Youth Criminal Justice Act (S.C. 2002, c.1) ‘children’ are under the age of twelve, and ‘youth’ are between the ages of twelve and seventeen. Non-profit services for youth in Halifax, such as Phoenix Youth Programs (2012), typically consider youth as encompassing ages twelve to twenty-four. This appears to be the most commonly used definition for service providers in Canada (Raising the Roof, 2009).

Homelessness. The definition of ‘homelessness’ also varies greatly in the academic literature, due to the different approaches of researchers in formulating this concept. Many researchers attempt to define homelessness along a continuum that distinguishes between three types based on the kind of housing situation. ‘Absolute homelessness’ is the most extreme form of homelessness, as it refers to persons living on the street or seeking shelter in an abandoned building or some other public location that is not considered adequate for human habitation (Crosby-Fraser, 2001; Davidson, 2003; Parliament of Canada, 2008). This category may also include those residing in emergency shelters because they have no alternative place to go (Parliament of Canada, 2008). The term ‘hidden homelessness’ is one that some research studies have used to describe the middle of the continuum of homelessness, which includes the case of persons whose housing situation is typically inadequate and temporary, and usually involves staying with others or couch surfing, i.e. moving from one temporary home of a friend to another (Halifax Regional Municipality, 2003; Parliament of Canada, 2008). ‘Relative homelessness’ includes persons who are at-risk of losing their current residence for various reasons, including substandard living conditions (Parliament of Canada, 2008) and insufficient income (Halifax Regional Municipality, 2003). Other researchers choose to categorize homelessness as either

absolute or relative, with the latter concept encompassing the hidden homeless population (Crosby-Fraser, 2001; Davidson, 2003).

Homelessness has also been defined in terms of its duration and frequency, which further serves to categorize persons as to their degree of need for emergency shelter. 'Transitional' or 'temporary' homeless persons are those who experience homelessness for a brief period of time due to unexpected circumstances such as loss of employment, the inability to pay rent, or an accident or disaster that led to a loss of their residence (Culhane & Kuhn, 1999; Parliament of Canada, 2008). Someone may be characterized as 'episodically homeless' if they are frequently in and out of the shelter system and spend the remainder of their time in other institutions, such as justice facilities, detoxification, or on the street (Culhane & Kuhn, 1999). This has also been referred to as 'cyclical homelessness' (Parliament of Canada, 2008). 'Chronic homelessness' is the most enduring type of homelessness, representing individuals who live primarily within the shelter system (Culhane & Kuhn, 1999), often due to chronic health issues or addictions (Parliament of Canada, 2008).

Youth Homelessness. An alternative approach to describing homelessness is to examine the groups affected by this phenomenon, and what factors they identify as having contributed to and perpetuated their homeless situation. Gharabaghi and Stuart (2010) chose to describe youth homelessness as a separate and distinct category, thus isolating youths' unique experiences of homelessness from those of their adult counterparts. This categorization identifies homeless youth as those living in shelters, on the street, couch surfing, or in inadequate private residences. It also includes youth who are transitioning out of government services, such as child welfare, due to their age, those who are forced to leave their family home, and those who have no housing options when released from youth justice facilities (Haggart, 2007). This categorization appears

to cover each of the different types of homelessness described above, identifying that youth in any of these situations may be considered 'homeless youth'. This definition is the one I have chosen to utilize moving forward with this research proposal and the resulting study. It is also important to note that youth and service providers may not use the term 'homeless' but instead refer to this population as 'transient', in an attempt to remove the negative connotations associated with the term 'homeless' and to recognize the temporary nature of a youth's situation. Transient youth may or may not be homeless, but are likely to have experienced some form of homelessness, and are generally considered at-risk of becoming homeless due to their current housing or employment situations. Although I will continue to make use of the term 'homeless', given that this term is used most frequently in the literature, I consider the two terms interchangeable and I will primarily utilize the term 'transient' when referring to the participants involved in my study as this term is less stigmatized and more inclusive.

1.3.2 Contributing Factors

A great deal of research has been conducted surrounding the factors that are believed to have caused or contributed to youth homelessness, in an effort to understand the phenomenon. Such research has gathered information from youth on their experiences with homelessness, what factors they believe contributed to their situation, as well as the factors that hindered their ability to rectify their situation. It is important to note that there is no one cause of youth homelessness and that youth often report that several such factors contributed to their situation (Brown & Amundson, 2010; Karabanow, 2004).

The leading factors that youth have identified as having caused or contributed to their homelessness were family conflict, family breakdown, and abuse experienced within the family (Davidson, 2003; Gharabaghi and Stuart, 2010; Halifax Regional Municipality, 2005; Hyde,

2005; Karabanow, 2004; Skott-Myhre, Raby, & Nikolaou, 2008; Wingert, Higgitt, & Ristock, 2005; Van Daalen-Smith & Lamont, 2006). Health concerns, such as mental health difficulties and addictions, on the part of the individual or their parents, were other readily identified factors (Brown & Amundson, 2010; Gharabaghi and Stuart, 2010; Halifax Regional Municipality, 2005; Skott-Myrhe et al., 2008; Van Daalen-Smith & Lamont, 2006). Many studies also emphasized the difficulties faced by these youth in accessing or navigating the social service system, due to stringent restrictions and eligibility requirements, situations which both contributed to homelessness and prevented those who were already homeless from accessing housing (Brown & Amundson, 2010; Crosby-Fraser, 2001; Davidson, 2003; Halifax Regional Municipality, 2005; Krüsi, Fast, Small, Wood, & Kerr, 2010; Nichols, 2008; Wingert et al., 2005). Other factors that were discussed in these studies were realities such as unemployment and poverty (Brown & Amundson, 2010; Gharabaghi and Stuart, 2010; Halifax Regional Municipality, 2005; Karabanow, 2004; Skott-Myrhe et al., 2008; Van Daalen-Smith & Lamont, 2006; Wingert et al., 2005), school failure and lack of education (Brown & Amundson, 2010; Wingert et al., 2005), and lack of affordable housing options (Karabanow, 2004; Krüsi et al., 2010; Halifax Regional Municipality, 2005; Skott-Myrhe et al., 2008). Youth also identified that involvement with the child welfare system and matters of aging out (Brown & Amundson, 2010; Haggart, 2007; Halifax Regional Municipality, 2005; Wingert et al., 2005), and being released from incarceration or other involvement with the Youth Criminal Justice System (Crosby-Fraser, 2001; Haggart, 2007; Halifax Regional Municipality, 2005; Skott-Myrhe et al., 2008) were significant contributing factors to homelessness and to the difficulties they encountered when attempting to improve their situation. According to Laird (2007) poverty and a lack of affordable housing have

become the leading cause of homelessness over and above mental health issues and substance abuse issues.

1.3.3 Canada's Transient Youth

Groups at most disadvantage. Upon examination of these various factors that can both contribute to and perpetuate youth homelessness, one must also recognize that there are some groups of people who are more likely to experience such factors, leading to the overrepresentation of certain disadvantaged populations among the homeless. Youth belonging to low socioeconomic groups, as well as ethnic, racial, and cultural minorities, especially Aboriginals, are far more likely to experience such disadvantage in our society and, as a result, are more likely to be among the homeless population in Canada (Andreychuk & Fraser, 2007; Dalhousie University, 2006; Halifax Regional Municipality, 2005).

Growing problem. Canada's Federal government has not been able to provide any reliable statistics on youth homelessness, or on homelessness in general, due to the difficulties in obtaining an accurate count of a population that is very broadly defined, extremely fluid, and often elusive (Parliament of Canada, 2008; University of Ottawa, 2008). However, it is widely documented that youth homelessness is on the rise (Halifax Regional Municipality, 2003; 2005; Karabanow, 2004; Kraus, Eberle, & Serge, 2001; Raising the Roof, 2009) and it has been suggested that there are as few as 65,000 homeless youth (Raising the Roof, 2009) and as many as 150,000 (Krüsi et al., 2010) in Canada on any given day.

The literature on youth homelessness in Nova Scotia does not provide any clear estimates about the approximate size of this population. Some research conducted in Nova Scotia suggests that youth homelessness is an issue in Halifax, but does not appear to be a major concern throughout the rest of the province (Community Action on Homelessness Steering Committee

2000; Kraus et al., 2001). However, Crosby-Fraser's (2001) research on rural homelessness explains that the homeless population in these areas of Nova Scotia is largely invisible, given that they tend to fall under the category of at-risk or relative homelessness. This study also notes that these less-populated areas have fewer services and funding directed towards serving the homeless population, and that the rural economy is worsening and contributing to further homelessness due to increased poverty, unemployment, and a lack of affordable housing (Crosby-Fraser, 2001). Research conducted in Halifax has discovered that transient youth make up a large proportion of the overall homeless population in the municipality, but that they are less likely than the adult homeless population to access services directed towards the homeless and more likely to sleep outside or in public spaces (Halifax Regional Municipality, 2005). These findings suggest that appropriate services for this distinct population are not always available or accessible.

Government responsibilities. The Canadian Federal government has certain responsibilities that it has promised to uphold in regards to youth living in Canada and, despite the elusive nature of youth homelessness, this population is still entitled to adequate care. The most basic youth rights are guaranteed by law and are outlined in the Canadian Charter of Rights and Freedoms (S.C. 1982, c. 11) and the Canadian Bill of Rights (S.C. 1960, c.44). In short, these documents state that every Canadian person has the right to life, freedom, and safety, as well as the right to equal, non-discriminatory treatment and protection under the law. Such general wording creates room for interpretation as to how these responsibilities can be fulfilled by the Canadian government. This has resulted in an approach that does not appear to overtly deny or violate these rights and freedoms, but that has left much to be desired in terms of youth care.

United Nations Convention on the Rights of the Child. In 1991, Canada ratified the United Nations Convention on the Rights of the Child (United Nations General Assembly, 1990), a human rights treaty that outlines very specific rights for persons under eighteen and the type of care their government is responsible for providing. The rights that may be considered applicable to the homeless youth population are that all persons under eighteen (Articles 1, 2) have the right to survival (Article 6), the right to a healthy development (Articles 6, 24, 27, 28) the right to be free from harm (Articles 19, 32, 33, 34, 35, 36, 37), and the right to proper and appropriate care that ensures a particular standard of living (Articles 20, 21, 25, 27). In addition, the UNCRC explains that if a child does not reside with family, or if the family is in need of support to help meet the child's needs, the government must provide the necessary support and care to ensure that the child's needs are met (Articles 4, 18, 19, 20, 21, 25, 26, 27, 39). In regards to youth justice, the UNCRC dictates that when punishing a child they cannot be treated in a cruel or harmful manner (Article 37), that they have the right to legal aid and fair treatment (Article 40), and they have a right to express their viewpoint and have it taken into consideration (Article 3, 12). A close reading of this document makes it obvious that these principles were designed to direct a country's government in how to properly care for its children.

That so many youth are experiencing homelessness in Canada is a clear violation of their rights to adequate care, and their homeless situations place them at risk of further harm. For instance, youth who are homeless often become involved in the Youth Criminal Justice System (Gaetz, 2002; Green & Healy, 2003; Ottawa Public Health, 2011; University of Ottawa, 2008; Vandergoot, 2006). A report by the Office of the United Nations High Commissioner for Human Rights (2012) on the Canadian government's progress towards implementation of the principles of the UNCRC identifies that youth from certain minority groups are overrepresented in the

Youth Criminal Justice System and that the government needs to develop a strategy to address this issue. Recommendation 86(e) in the report's Health and Poverty section states that Canada should:

Conduct an extensive study of systemic overrepresentation of Aboriginal and African Canadian children and youth in the criminal justice system and develop an effective action plan towards eliminating the disparity in rates of sentencing and incarceration of Aboriginal and African Canadian children and youth, including activities such as training of all legal, penitentiary and law enforcement professionals on the Convention (Office of the United Nations High Commissioner for Human Rights, 2012).

That the need for an effective action plan addressing this issue was called for in this recent report clearly indicates that the government has yet to implement an effective strategy to eliminate the inequities that lead to such overrepresentation of these groups within this system.

The Canadian Coalition for the Rights of Children (CCRC) released a similar report titled *Right in Principle, Right in Practice* in 2012, which assessed Canada's compliance with the children's rights recommendations outlined by the UNCRC. This report determined that the federal government is not doing an adequate job of caring for Canadian children and assuring the rights set forth by the UNCRC. The report claims that even though most children in Canada have their basic needs met, many are unable to achieve their full potential due to the presence of obstacles that arise due to the fact that the federal government does not have a comprehensive national strategy designed to serve the needs of Canadian children. One section of the report points out that the federal government has failed to follow through with many recommendations made by the UNCRC in 2003. For instance, despite calls for a national plan to address youth homelessness no such strategy has been devised.

1.3.4 Transient Youths' Involvement with the Youth Criminal Justice System

It has been suggested that the Youth Criminal Justice System has become a “default system” (Green & Healy, 2003, p. 54) where troublesome individuals, such as transient youth, end up because the necessary resources are not available for the populations experiencing the most disadvantage. Transient youth are especially vulnerable to the government’s neglect of their fundamental rights and freedoms, and are far more likely to experience the most grievous outcomes of this neglect, which is apparent given their overrepresentation in the youth justice system.

Overrepresentation of transient youth. Transient youth are greatly overrepresented in the Youth Criminal Justice System. Research has shown that as many as three quarters of Canada’s transient youth have some sort of involvement with this system (Gaetz, 2002; Ottawa Public Health, 2011). A study by the University of Ottawa (2008) reported that sixty-one percent of transient male youth participants, and thirty-five percent of transient female youth participants had spent time in a youth justice facility. Another study, found that seventy-one percent of transient youth participants in Montreal had some sort of involvement with the Youth Criminal Justice System (Douglas, 2011).

Reasons for criminal involvement. Research has shown that long-term homelessness increases the likelihood that a youth will engage in crime (Baron 2003; 2006) due to “the strain of basic needs and absolute poverty” (Baron, 2003, pp. 418). This population tends to commit property-related crimes, such as breaking and entering and theft (Ottawa Public Health, 2011; University of Ottawa, 2008), and offenses involving public activities, such as loitering and panhandling (Douglas, 2011; University of Ottawa, 2008). That transient youth are more likely to commit these types of crimes speaks to the possibility suggested by Baron (2003; 2006) that they do so in an effort to survive and to generate income. Baron attributes his findings to Agnew’s

(2001, 2006) General Strain Theory (GST) which explains that experiencing strain can cause individuals to cope through engaging in criminal behaviour, especially when the strain is related to one's fundamental needs and values, and especially when the benefits of crime appear to outweigh the potential costs.

1.3.5 Past and Present of Youth Criminal Justice

Historical Foundations. Liazos (1974), in his article *Class Oppression: The Functions of Juvenile Justice*, describes the historical foundations of the youth criminal justice system by demonstrating that many citizen groups were very concerned about the impact young juvenile delinquents could have on their property and their way of life. For instance, Liazos (1974) quoted Fox's (1970) article on juvenile justice reform, which indicated that:

The founders of the New York House of Refuge were among the first to respond to the threat. They stated that these "little vagrants" "deserve our censure, and a regard for our property, and the good of society, requires that they should be stopped, reprov'd, and punished" (in Fox 1970, p.20, as cited by Liazos, 1974, p.4).

Liazos also referred to Brace's (1872) discussion of dangerous class groups in New York, and the warning made in a report by the New York Children's Aid Society about the threat such lower class youth could pose to upper class institutions:

The 1854 report of the New York Children's Aid Society warned: "It should be remembered that there are no dangers to the value of property, or to the permanence of our institutions, so great as those from the existence of such a class of vagabond, ignorant, and ungoverned children" (in Brace 1872, p.321, as cited by Liazos, 1974, p.4).

Liazos (1974) clearly demonstrates in his article that many members of society, notably those belonging to the upper classes, were concerned about the threat of dangerous delinquents to their property and institutions, and that the juvenile justice system was founded upon such concerns by the dominant groups in an attempt to preserve the existing social order.

Additionally, Liazos' (1974) article portrays this system as being in a constant state of reform in an attempt to do away with old practices and usher in new and improved methods:

... the claim that the closing down of institutions, and the instituting of new programs, herald a new day of effective delinquency prevention and reform ignores the historical record. Ever since the 1820's, when the first institution's for reforming delinquents were founded, each "new: approach to prevention and reform has been hailed as a sure solution to the problems of delinquency. In time, each has been pronounced a failure. The present and planned programs... are likely to meet the same fate. The search for new reforms will resume (p.2).

This pattern seems to have continued, as Liazos predicted, given the continuous changes to youth justice legislation seen in the progression from the Juvenile Delinquents Act (1908-1984), to the Young Offenders Act (1984-2002), to the Youth Criminal Justice Act (2003 to present) and beyond, to the alterations made to the YCJA by Bill C-10 (Bala, et al., 2009; Bill C-10, 2012; Green & Healy, 2003).

The Present Day Youth Criminal Justice System. Since Liazos' day, as he predicted, this system has continued to be altered and adapted to suit the ever changing ideas about managing youth who become involved in criminal activities. In particular, there has been a great deal of change to Canadian youth justice legislation in the past two decades due to shifting ideas about youth rights, community involvement and responsibilities, and the most effective approaches in managing youth crime.

Legislative background. The Juvenile Delinquents Act (JDA) governed the Canadian Youth Criminal Justice System from 1908 until 1984. It focused primarily on the protection of juvenile offenders because it was believed that their environment negatively influenced them and led to their criminal behaviours. The goal was not to punish youth, but to rehabilitate them and put an end to their criminal tendencies that stemmed from the negative impacts of abuse and poverty. In 1984 the JDA was replaced by the Young Offenders Act (YOA), which altered the

focus of the Youth Criminal Justice System to increasing youth's accountability for their crimes and ensuring that youth's rights to protection and equity under the law were upheld. The YOA was criticized for not adequately dealing with repeat and violent offenders and for resulting in a very high rate of youth custody (Green & Healy, 2003), consequently it was replaced by the Youth Criminal Justice Act (S.C. 2002, c.1) which came into effect on April 1, 2003 (Bala, Carrington, & Roberts, 2009).

The Youth Criminal Justice Act. The introduction of the Youth Criminal Justice Act (YCJA) altered Canada's Youth Criminal Justice System in an effort to reduce the country's alarmingly high rate of youth incarceration, the overuse of formal youth court to deal with minor offenses, and to increase the efficiency of the system in dealing with the most serious youth offenders (Bala et al., 2009; Green & Healy, 2003; YCJA, S.C. 2002, c.1). The YCJA emphasizes the need to incorporate preventative measures by addressing the underlying causes of youth crime, the need to serve youth in a way that will support their rehabilitation and reintegration back into their communities, as well as the importance of assigning meaningful consequences that fit the crime (YCJA, S.C. 2002, c.1, s.3). In adherence with these principles one of the major changes introduced by the YCJA was a requirement for judges and police officers to consider using extrajudicial measures when appropriate. This means that much of youth crime should be dealt with using alternatives to charging youth with a criminal offense, or sentencing them to serve time in custody. Some examples of extrajudicial measures are conferencing, supervision or conditions, and restorative justice (Green & Healy, 2003; Vandergoot, 2006; YCJA, S.C. 2002, c.1, s.4). Essentially, unless a youth has committed a serious violent crime, or is not following through with extrajudicial measures, they should not be made to spend time in a youth justice facility (Andreychuk & Fraser, 2007).

YCJA legislation incorporated many principles from the United Nations Convention on the Rights of the Child (Green & Healy, 2003; Vandergoot, 2006, YCJA, S.C. 2002, c.1). It was designed to take into account the rights of youth and to hold youth offenders accountable for their actions in a manner that is adequate and fair, and which does not cause them undue harm (Bala et al., 2009; YCJA, S.C. 2002, c.1). Despite the fact that the YCJA governs youth justice across Canada, there are differences in how it is utilized in different provinces and territories, since the legislation provides directives that are general enough that they can still be subject to interpretation (Bala et al., 2009; Sprott & Doob, 2008).

The impact of the YCJA. Three years after the introduction of the YCJA, research studies reported that the national rate of youth charges had greatly decreased and the use of extrajudicial measures had increased (Carrington & Schulenburg, 2005), resulting in a substantial reduction in the use of youth courts and the degree of youth incarceration (Bala et al., 2009). However, these successes do not guarantee that everyone is satisfied with the system. Some critics point out that although the use of extrajudicial measures has increased, their use ultimately depends on the attitudes and decisions of judges and police officers and whether there are enough resources within the community that provide means of enacting these measures (Bala et al., 2009). This creates divergence across the country, as not all legal professionals are going to agree on the value of these measures (Andreychuk & Fraser, 2007) and youth in smaller communities may not have the same opportunities as those where more resources exist (Bala et al., 2009). Research across Canada shows that there continues to be extensive provincial variation in how many youth are charged, sent to court, and sentenced to serve time in a youth justice facility (Andreychuk & Fraser, 2007; Bala et al., 2009; Carrington & Schulenburg, 2005; Sprott & Doob, 2008). Other critics argue that the YCJA is still too punitive, in that its punishments are excessive and harmful,

and that it is too focused on controlling youths' behaviours, as opposed to offering preventative services that address their actual needs and the underlying issues that contribute to their criminal behaviours (Andreychuk & Fraser, 2007; Green & Healy, 2003).

Lack of youth engagement. Hogeveen's (2007) critique of the YCJA has focused on the lack of youth engagement in the youth criminal justice process despite the declared principle of participation (YCJA, 2002, c.1). To engage youth is to allow and encourage their active participation in and contribution to matters that affect them, allowing them to be a part of something meaningful wherein they themselves are not the sole focus (City of Calgary, 2004). However, Hogeveen's (2007) criticism of the YCJA's exclusion of youth from active participation in the justice process makes it evident that the system, for the most part, is not facilitating or encouraging youth engagement:

While the state openly encourages community involvement and outwardly appears to be hearing youth's concerns, it continues to set the juvenile justice mandate and specify those who are authorized to speak. Other than as recipients of punishments created and administered by community partners, youth as a group are almost entirely excluded from forming and participating in governance schemes. Indeed, there are currently over 100 YJCs in operation throughout the province of Alberta, but they almost all involve adult volunteers. While the YCJA preamble articulates how "community" will play a fundamental role in youth justice, nowhere does it set out a role for young people (p.54).

Hogeveen (2007) cites the Youth Restorative Action Project (YRAP) as a youth-led youth criminal justice initiative that pushes the boundaries of typical youth justice norms through youth engagement. The YRAP is located in Edmonton, Alberta, and it is responsible for sentencing for minor crimes, bail hearings, and public education. The YRAP has been widely recognized for its creative approach to youth sentencing, and despite its success, it continues to be the only youth-led program in Canada.

Recent changes. Perhaps the largest and most vehement critic of the YCJA has been the Nunn Commission (Government of Nova Scotia, 2007a; 2007b), which claims that the youth justice system is not sufficient to protect our communities from violent offenders, nor does it provide adequate consequences for these youth. The Nunn Commission proposed that the system undergo substantial alterations that will result in a tougher approach to youth criminal justice.

Some of the recommendations pertaining to toughening this system have been taken up by the Conservative party of Canada, who successfully passed the Safe Streets and Communities Act (Bill C-10, 2012), in March of 2012. This legislation was designed with the overarching goal of protecting the public from the most violent young offenders. Though Bill C-10 has changed the emphasis of the YCJA to some degree, many of the guiding principles remain the same, including the emphasis on rehabilitation, addressing the underlying causes of youth crime, and the use of non-custodial measures when appropriate. Many of the alterations made by this legislative piece are fairly minor changes designed to address issues that arose from unclear portions of the original YCJA. Other aspects of the new bill are not so minor.

The most controversial aspect of the Safe Streets and Communities Act is its inclusion of specific deterrence and denunciation as sentencing principles. These changes were made in an effort to strengthen youth sentencing provisions and remove barriers to custodial sentencing for the most violent and repeat young offenders (Jones, 2012).

That these changes were likely to result in more youth being eligible for custodial sentences (Jones, 2012) was a major concern for those who stood in opposition to Bill C-10 (Canadian Coalition for the Rights of Children, 2009; Lau and Elwood-Martin, 2012). As such, critics believed that Bill C-10 would represent a significant step backwards for the youth justice system given that the YCJA was designed to reduce Canada's youth incarceration rate. Lau and

Elwood-Martin (2012) argued that the minimum mandatory sentence principle would result in an increase in youth custody across Canada, given that it essentially eliminates the consideration of unique circumstances in an effort to reduce sentence variations for similar crimes.

The Canadian Criminal Justice Association (2011a, 2011b) claimed that the Safe Streets and Communities Act was unlikely to significantly increase long-term public safety due to the lack of evidence suggesting that custodial sentences serve to deter young offenders from committing further crimes (Gendreau, Goggin, & Cullen, 1999). Additionally, the CCJA (2011a) noted that the proposed changes to the YCJA do not address the underlying systemic causes of crime, and that the bill actually "... cements an erroneous idea that the problem with public safety in Canada is a lack of 'tough' sentencing" (Canadian Criminal Justice Association, 2011b).

Similarly, the CCRC's report on the Canadian government's inadequate response to the UNCRC recommendation addresses the matter of youth criminal justice, noting that their analysis: "reveals progress made, threats of regression, gaps, and areas that need greater attention" (p.49). This statement refers to the apparent initial success of the YJCA and the proposed changes which followed, which the CCRC claims are:

... contrary to: evidence-based research into effective measures in youth justice, specific provisions in the Convention, broad public consultations, recommendations to Canada from the UN Committee on the Rights of the Child, and accepted international standards for youth justice (p.50).

Essentially, the CCRC is pointing out that the alterations to the YCJA have created a youth justice system that fails to adequately observe the UNCRC and to serve the needs of today's youth who become involved with this system.

In summary, the Youth Criminal Justice Act was originally designed to be more youth-focused and rights-based, in that it prioritized the youth's rights and their best interests. However, the Safe Streets and Communities Act has introduced changes to the YCJA that critics believe

will result in a return to a more punitive, and therefore more harmful, approach to managing young offenders.

1.3.6 Existing Research

YCJA focused research. Quantitative research on the Youth Criminal Justice System has looked at the YCJA and its impact on legal practice. For example, Carrington & Schulenburg (2005) examined the impact of the YCJA on police charging, revealing that legislation change resulted in a reduction of youth charges and increased the use of extrajudicial measures. Additionally, Sprott and Doob (2008) compared self-reported youth crime rates to official measures of youth offending and concluded that policy change, and not actual changes in youth crime, appeared to account for the change in youth court cases.

Qualitative research on the Youth Criminal Justice System tends to focus on whether legal professionals practice in a manner that is consistent with the principles set forth in the YCJA. For instance, Marinos and Innocente (2008) discovered that despite the YCJA's emphasis on the principles of accountability and proportionality, and its strong guidance in terms of the use of extrajudicial measures, some police officers continue to practice in a manner that is more in line with the former youth justice legislation, the YOA, which is considered to be a more punitive approach than the YCJA. On the other hand, Corrado, Gronsdahl, MacAlister, and Cohen (2010) discovered that probation officers in British Columbia tended to be consistent in their application of the appropriate YCJA principles to theoretical youth justice cases.

Youth focused research. One gap in this existing research is that studies which focus on youths' experiences within the Youth Criminal Justice system have typically looked at youth in general, and not at specific subsets of youth, such as the transient population. One qualitative study discovered that despite the increased focus on youths' fundamental rights in Canadian

youth justice legislation, the youth involved with this system tend to be only vaguely aware of their actual rights (Goodwin-De Faria & Marinos, 2012). The same study also found that youth involved with the criminal justice system tend to experience great difficulty exercising their rights due to their feelings of powerlessness in comparison to legal professionals (Goodwin-De Faria & Marinos, 2012). When exploring why youth felt relatively powerlessness in comparison to legal professionals, some reported that their feelings were due to unfair treatment by legal professionals, especially police officers. Youth expressed feeling as if they cannot do anything when their rights are violated because they believe that no one will listen and nothing will be done about it. Other youth explained that they did not receive adequate explanation from legal professionals about the criminal process, although lawyers tended to do a better job in this regard than police officers (Goodwin-De Faria & Marinos, 2012).

Another qualitative study that interviewed youth involved with the Youth Criminal Justice System focused specifically on their perceptions of the lawyer-client relationship (Peterson-Badali, Care, and Broeking, 2007). This study found that youths' satisfaction with their lawyer tends to hinge on their perception of the power dynamic in a situation in which the adult has a great deal of control over the ultimate outcome of the proceedings. Youth are more pleased with lawyers who they consider trustworthy and who show respect for the youth in a situation where the youth is in a subordinate position (Peterson-Badali et al., 2007). Similarly, Goodwin-De Faria and Marinos (2012) concluded that legal professionals must treat youth with respect in order to enable youth involved with the system to exercise their rights effectively in a situation where they feel they have less power than the adults with whom they are interacting.

Hanssen (2008) conducted a study looking at the perceptions of youth who had been involved with this system and discovered that, though some reported negative and

disempowering experiences, the majority reported experiences that were both positive and meaningful. Hanssen (2008) concluded that youth's negative experiences tended to be related to the transitional aspects of the youth justice system, in that they had difficulty navigating the system and adjusting to new and unknown experiences. As a result, Hanssen (2008) recommended that the system look into how to better support youth through these transitions.

One paper in particular by Mann, Senn, Girard, and Ackbar (2007) highlights the importance of listening to youth's voices in determining how to best support their needs. This report contains qualitative data from two research studies, one concerned with exploring YCJA intervention partnerships through discussion with youth involved with the Youth Criminal Justice System, and another focused on issues faced by youth involved in the sex-industry. The story of one female participant was utilized to:

... demonstrate how victimization, child protection involvement, and vulnerability to criminal activity are linked and how efforts to address these adversities in schools, child protection agencies, and social welfare agencies do and do not foster YCJA goals (Mann et al., 2007, p. 39).

The authors conclude that youth justice, educational, and social services are impacting youth in a punitive manner that is more consistent with the Young Offenders Act than the YCJA.

Additionally, they emphasize the need for youth to be able to express their voices and to have advocates that will help them do so, which corresponds with the YCJA's recognition of youth's right to express their opinion and make choices about situations that impact them (Mann et al., 2007, YCJA, S.C. 2002, c.1, s.3).

Mann et al. (2007) also discuss the YCJA's mandate requiring special attention to aspects of difference, such as gender, and the importance of considering youth's subjective experiences (YCJA, S.C. 2002, c.1, s.3), leading them to call for future research that will compare and

contrast youth voices across categories of difference so as to better understand the diverse needs of today's youth. They point out that:

... each youth speaks to the relational realities through which he or she has constructed his or her identities and actions (Mann et al., 2007, p.62).

This statement calls attention to the fact that distinct groups of youth experience things differently, and consequently their needs may not all be the same.

Transient youth represent one such group who should be able to voice their subjective experiences about systems that research has shown tends to treat them in an oppressive manner and ignores their diverse needs. Unfortunately, the report by Mann et al. (2007) broadly focused on youth experiences within intersecting community-based services and did not allow for an in-depth analysis of youth's perception of their experiences within distinct systems, such as youth criminal justice. Experiences with this particular system were addressed only briefly as participants reported that their interactions with police were typically negative and involved harassment and disrespect on part of the officers when engaging with youth; and that, as a result of these negative interactions, youth said that they were often reluctant to seek police support (Mann et al., 2007). The authors do not discuss the need for future research to address youth perceptions of this system in more depth. However, given that youth reported negative experiences with criminal justice officials it seems apparent that this issue should be studied more closely. Hanssen's (2008) study did set out to explore youth's perceptions of their experiences within the system, but her sample was fairly broad and did not focus on a particular subset of this population, as it included both males and females, and did not differentiate between transient youth and those growing up with more stable housing situations. Findings from these existing studies reveal that when we listen to youth, they can tell us their perception of how they

are being treated, as well as what it is that they need from criminal justice professionals in order to feel satisfied with their experience.

Females' unique experiences. It is important to note that the pathways traversed by male and female youth towards offending, as well as their intervention needs, are consistently different (Belknap and Holsinger, 2006). Females who become involved with the youth criminal justice system are uniquely vulnerable given that they are far more likely than their male counterparts to have experienced violence and abuse (Janovicek, 2001). Females are also subject to the ongoing gender inequality within this system (Reitsma-Street, 1999). In order to adequately explore the unique experiences of female transient youth within this system these matters would need to be discussed in depth, and it is not my goal at this time to pursue a comparison of gendered experiences of the youth criminal justice system. That male transient youth are far more likely to become involved in the youth justice system (Gaetz, 2004; University of Ottawa, 2008) speaks to the need to look at this group in particular, therefore I chose to focus my study solely on male transient youth.

In summary, despite evidence in previous research that youth are being treated unfairly and disempowered by criminal justice professionals (Goodwin-De Faria & Marinos, 2012; Mann et al., 2007; Peterson-Badali et al., 2007), little research has been conducted that takes a more in-depth look at youths' perceptions of this system and how it impacts them. What research has been conducted on this topic, as I have demonstrated above, has not focused explicitly on the population of transient youth in Canada and their involvement with the Youth Criminal Justice System. This system appears to be predicated on perpetuating societal inequities and is controlled by those whose interests may be best served by ensuring that such inequities continue to operate. In this system transient youth are at a distinct disadvantage given their low social

status and their age, factors which cause them to have less power in a system run by the adult middle class. Consequently, subjective accounts of their experiences within the criminal justice system could shine light on how this societal institution and its professionals disempower transient young persons and how their lack of power and control is impacting their ability to successfully navigate this system.

1.3.7 Utilizing a Critical Pedagogical Perspective

The evidence from previous research points to the conclusion that a critical pedagogical approach might best help to highlight the power inequalities and the hegemonic systemic factors that perpetuate the disempowerment of transient youth. That transient youth, especially working-class and Aboriginal youth, are far more likely to become involved with this system and to be incarcerated (Andreychuk & Fraser, 2007; Dalhousie University, 2006; Halifax Regional Municipality, 2005) shows that the most marginalized populations tend to be at a distinct disadvantage in this system. Additionally, when asked about their experiences within this system, youth have reported unfair treatment, lacking a voice, and feelings of powerlessness (Goodwin-De Faria & Marinos, 2012; Mann et al., 2007; Peterson-Badali et al., 2007). These findings appear to indicate that this system is acting in an oppressive manner towards populations on the margins of our society, such as transient youth. In order to better understand this phenomenon and how it impacts this distinct population, it is necessary to approach the data from a critical pedagogical standpoint, which takes into consideration inherent systemic inequalities and how being in a subordinate position may impact the experiences of transient youth.

Critical pedagogy. Critical pedagogy is a theoretical perspective on education and social relationships which begins from the assumption that interactions between individuals in a society are both determined by, as well as themselves perpetrators of, existing social, economic, and

political inequities (Freire, 1970). This notion is accompanied by the view that one's cultural background, along with one's class, gender, age, and other aspects of human diversity impact one's status and power in society. Despite this reality, critical pedagogy is also constructed upon the understanding that everyone is deserving of equal rights and freedoms (Darder, Baltodano, & Torres, 2003; Giroux, 2003; McLaren, 2003). Under this theoretical perspective educators and community workers can work with marginalized peoples to uncover through critical analysis of their language and social realities these inherent social, economic, and political inequities in their socially constructed realities and thus lessen and eliminate the oppression of subordinate groups.

Social control. Under the critical pedagogical paradigm the most powerful groups, exerting the most influence, are the creators of existing societal institutions, structures, and ways of thinking and seeing the world, which are formed specifically to serve their interests. These existing institutions are oppressive towards those who have less power and contribute to their marginalization (Burbules & Berk, 1999; Freire, 1970; McLaren, 2003). Also, under the critical pedagogical paradigm, the dominant classes gain the assent of the subordinate groups through the creation and propagation of ideologies which disadvantage the latter. This process of social control is called *hegemony* (McLaren, 2003). A hegemonic ideology is a system of beliefs and values that reinforce the existing way of doing things by persuading everyone that the dominant ideology is the most relevant and realistic way to interpret the social world (Darder, et al., 2003; Freire, 1970; Giroux, 2003; McLaren, 2003). Freire (1970) refers to this process as a “submersion in the reality of oppression” (p.45). Dominant ideologies thus become embedded in how subordinate groups, and even those belonging to the more powerful groups, view and interpret the world. Critical pedagogy refers to the product of this process as a ‘false consciousness’ wherein the less powerful groups come to believe in the legitimacy of the

ideologies produced by the dominant groups, and have difficulty recognizing the truth about the oppressive origins and functions of existing societal institutions (Darder, et al., 2003; Freire, 1970; Giroux, 2003). Carnoy (1989) describes ideology as:

... the dominant group's conception of what the subordinate group should aspire to- that is, what the subordinate group should take as its values and norms (p.11).

This theorist is referring to how people adopt the values of the dominant group and aspire to be like them, and wanting to have what they have. Carnoy (1989) goes on to describe that capitalist societies, like those in North America, are based upon an ideology that values material things above all, and that as a result the subordinate groups “always aspire to consume more” (p.11).

Neoliberal Governance. A discussion of oppressive practices in present day Canadian society must consider the type of governance to which we are subject. According to the paradigm of Critical Pedagogy, the way in which society and its institutions are presently structured in Canada serves a capitalist, or neoliberal, agenda (Giroux, 2012). This agenda is driven by market values and operates in favor of the corporate elites of the business economy. In his review of Stephen McBride's book *Paradigm Shift: Globalization and the Canadian State*, Gregory Albo (2008) of York University provides an instructive description of the neoliberal ideology and its devastating impact over time:

Neoliberalism today represents an ideological discourse, administrative and regulatory practices, a system of inter-state relations, and social form of political power across the advanced capitalist countries and, indeed, the vast majority of the world. Even when we [Canada] elect social democratic or liberal parties into government, we get neoliberal governance. The ‘stylized’ characteristics of neoliberal governance and social reproduction can be identified: growing social inequalities within and between countries; a deterioration of social infrastructure and equitable access to public services; deregulation, privatization and marketization of the public sector; prioritization of the circulation of money and commodities over democratic sovereignty in international agreements; and financialization of the economy and corporate governance structures. These social

processes lie at the heart of the state, administration and power today (Albo, 2008).

Albo confirms Canada's neoliberal governance and describes many of the issues that plague our society today as a result of its market-driven ideology.

Critical Pedagogy's Views on How Capitalism Impacts Youth. Henry Giroux, one of the founding critical pedagogy theorists, has written a great deal about how neoliberal governments, including those in the United States of America and Canada, are seemingly waging a war on youth. He describes how these countries have experienced a decline of the democratic state, and the notions of social responsibility and social justice, and ushered in a new era of "economic privatization, commodification, deregulation, and hyper individualism" (Giroux, 2012, p.1). According to Giroux, this has created societies in which every aspect of life is driven by market interests, and one of the major issues within these societies is this war on their young. Young people, particularly the poor and minorities, are criminalized and dehumanized through their involvement with institutions such as schools and the criminal justice system that serve the neoliberal agenda which views them as disposable and as a threat to society (Giroux, 2012). In my discussion in the literature review, about the historical basis of youth criminal justice, Liazos (1974) mentioned how this system was founded on a similar fear of young people and the threat they posed to the property of the rich and their way of life. This fear has merely evolved into a more widespread societal ideology: the notion that younger generations are untrustworthy and need to be continuously monitored (Giroux, 2012).

Many young people are protesting capitalism in what has been known as the "Occupy Wall Street Movement" (Giroux, 2012, p.1). Giroux explains the motivation behind this movement:

... youth in Canada and the United States are resisting the violence of what might be called neoliberalism or casino capitalism. [They] are demonstrating against such assaults while simultaneously attempting to educate a larger public about the degree to which American and Canadian public spheres, institutions, and values have been hijacked by a culture of spectacular and unrelenting violence—largely directed against youthful protesters and those marginalized by class and race, who increasingly have become the targets of ruthless forms of state-sanctioned punishment.

Basically, these youth have recognized what neoliberal leadership has done to society and what this means for their future and they want to spread awareness about the issue and ultimately enact changes that will redirect the course society is taking. They are aware of the oppression that is being forced upon them and are fighting to cast it off.

Modern Perspective on Oppression. Young (1992) has redefined the term ‘oppression’ to reflect how it functions in postmodern society (as cited by P. McLaren and C. Lankshear, 1994, p.4). She argues that this term now refers to basic everyday unconscious practices which are reproduced by societal institutions, rather than historical attempts at societal control by tyrants and colonialists. Despite the unintentional aspect of this new form of oppression, the practice continues to disempower groups of people simply because of our automatic assumptions, stereotypes, and how institutions are structured and how they operate. (McLaren & Lankshear, 1994; Young, 1992). Given Young’s reworking of the term ‘oppression’ it is important to note that there may no longer be a true tyrant or oppressor(s) manipulating the societal structure and institutions to their own end. Rather, our society was designed in a particular way to serve the best interests of a particular group and now it continues to serve those same interests. This is despite recognition of the need for change and alterations that only scrape the surface of the actual issues; because people are blind to the fact that the foundation of the system itself is based upon oppressive objectives.

This may or may not be the case. Some theorists, such as Giroux and McLaren, believe that those in positions of power are fully cognizant of how the system works to oppress subordinate groups. However, whether or not those in power are cognizant of their role as oppressors is not a debate I intend to pursue in this paper. Yet, I do want to note that it is imperative that we critically discuss oppressive practices and make them apparent, given that there are many persons belonging to both dominant and subordinate groups who are unaware of how societal systems and institutions operate in such an oppressive manner. Clearly part of the goal behind the Occupy Movement is to foster awareness of these issues (Giroux, 2012) and perhaps such attention will increase discussions around these matters as well as encouraging further studies, such as this one, which look at the impact this oppression is having on youth.

Marginalization. Oppression and marginalization are one and the same. However, given the strong political connotations of the term ‘oppressed’ I will henceforth primarily utilize the term ‘marginalized’ to refer to those subordinate groups who are victims of this type of social control by other dominant groups. In Bell’s book *Young Offenders and Youth Justice: A Century After the Fact*, she describes how children and youth are viewed in North American society, and thus why they are a marginal group subject to adult oppression:

Children and youth in the 20th century are subordinate to adult authority and are not permitted ... adult rights... As a result, youth and children are not only dependent but also marginal to adult society and exist on the periphery; their status is a marginalized one. They are the “Other”, the stranger in the midst of adult society, and the stranger is always suspect. Adults not only control youth through their dependent and marginalized status but also define the meaning of youth—who they are, their place, and their purpose (Bell, 2012, p. 26).

Transient youth, in particular, are viewed as the “Other”, given that homelessness has been criminalized due to a shift in viewing it more as a matter of individual deficiencies, rather than a societal one. The drive to survive is viewed not as a result of society failing the homeless, but of

individuals failing to succeed in society due to their own deficiencies; therefore many acts made in pursuit of survival are considered criminal:

The plight of the homeless is now defined less as a political and economic issue in need of social reform than as a matter of law and order (Giroux, 2012, p.10).

Given that both their age and their transient status place these youth on the outer edge of society results in them having very little power or control within Canadian society; therefore they experience a great deal of marginalization. Marginalization involves those with less power experiencing isolation and estrangement from the larger society as a result of unequal power relations and oppressive conditions (McInerney, 2009). Gaetz (2004) points out that this population is excluded from society in a number of ways:

For young people who become homeless, social exclusion is experienced across several domains: in terms of access to shelter and housing, employment, a healthy lifestyle, for instance. It is also manifest in their restricted access to (and movement within) urban spaces and their limited social capital (p.428).

Given that this population experiences such widespread marginalization within society, it stands to reason that they will encounter similar issues within the Youth Criminal Justice System. Their ability to exert control, or exercise agency, may be limited within this system because of their lack of power resulting from oppressive circumstances. Although youth justice legislation has been evolving towards what appears to be a more youth-friendly approach, I will show that under the point of view of a critical pedagogical perspective this system remains under the control of dominant groups who are primarily concerned with social control and reproduction, not in serving the best interests of subordinate groups.

Conclusion. In summary, using a critical pedagogical perspective to interpret transient youths' perceptions of the Youth Criminal Justice System may provide a deeper understanding of how this population relates to this socially created institution and will identify potential barriers

which prevent them from successfully navigating this system and contribute to maintaining their disadvantaged situation.

Significance. This present research study may contribute to the state of knowledge about transient male youth and their experiences within the Canadian Youth Criminal Justice System. A better understanding of how these youth perceive their experiences within this system could help direct future research toward other important areas of inquiry, such as this population's specific support needs or the training needs of criminal justice professionals who are dealing with vulnerable youth. This study may also illustrate what aspects, if any, of the Canadian Youth Criminal Justice system may be serving to undermine the declared goals of the Youth Criminal Justice Act. Additionally, it can also serve to expand the work being done on critical pedagogy to the area of transient youth.

1.4 Research Questions

Applying the critical pedagogical approach to an exploration of an understanding of transient youth's perception of the Youth Criminal Justice System has resulted in the development of the following research questions, that are designed to direct this study.

1. How do homeless male youth perceive their experiences within the Youth Criminal Justice System?
 - (a) How do homeless youth perceive their relationships with legal professionals?
 - What have they found helpful or empowering? What was not helpful, or a hindrance to the process?
 - (a) In regards to the justice process (court, restorative justice, custody, incarceration, etc) what barriers do they perceive to navigating this system?
 - (b) How do they perceive their power and agency within this system?

- (c) How do they feel that the system helps or hinders their progress to inclusion?
- (d) How has their homelessness impacted their experiences within this system?
- (e) How has their race or ethnicity impacted their experiences within this system?
- (f) Where does this system fit into their worldview?

1.5 Summary

The literature shows that youth homelessness is a major problem in Canada and that there are a number of contributing factors. I reviewed past and present legislation in an attempt to create a picture of the current youth justice legislation and how aspects of this system impact youth. I also introduced the main points of critical pedagogy and claimed that this is the theoretical perspective that I believe will be the most useful in an attempt to explore how the youth criminal justice system impacts transient male youth today. Finally, I listed the research questions that were developed based on my review of the literature and my exploration of critical pedagogy.

Chapter 2: Methodology

2.1 Purpose and Design

In conducting this research study I hoped to gain an understanding of how transient male youth perceive the Youth Criminal Justice System and their experiences within it. I approached this topic from a critical pedagogical perspective, in an effort to examine the perceptions of this population in a way that takes into account their subordinate position within this system and how this impacts their experiences. In order to gather first-person data from within this population, I conducted individual interviews using a semi-structured interview guide.

2.2 Sample Population

Previous research has found that the experiences of males and females with criminality and within the Youth Criminal Justice System are quite different (Belknap and Holsinger, 2006). I have chosen to focus on male at-risk and homeless youth because research shows that they are more likely to have become involved with the Youth Criminal Justice System (Douglas, 2011; Gaetz, 2002; Ottawa Public Health, 2011; University of Ottawa, 2008). My goal was initially to complete six in-depth interviews that would provide a small, but detailed, look at transient male youths' perceptions of their experiences within the Youth Criminal Justice System. Given that this is small population, and of a transient nature, I was only able to find five youth who fit the eligibility requirements and who agreed to participate in the interview process.

The research study took place in Halifax, the capital of the Atlantic Canadian province of Nova Scotia. Halifax Regional Municipality has a population of approximately 390,096 (Statistics Canada, 2011), and reports have indicated that this municipality's transient population and the number of those at-risk of becoming homeless are on the rise (Halifax Regional Municipality, 2003; 2005). Reports also indicate that youth homelessness is on the rise in

Halifax. For instance, Halifax Regional Municipality's (2005) Portrait of Streets and Shelters identified an increase in youth homelessness in Halifax, given that thirty-four percent of respondents were under the age of twenty-four. Similarly, the Halifax Report Card on Homelessness (Community Action on Homelessness Report Card Working Group, 2010) showed that the transient youth population being served by shelters in Halifax increased from eighty-two in 2008 to one-hundred and seventy-six in 2009. This statistic was derived from the Homeless Individuals and Families Information System (HIFIS), which is a database designed to support service providers in their daily operations, as well as to gather statistical data on persons accessing these services in an effort to provide a comprehensive portrayal of homelessness across Canada (Human Resources and Skills Development Canada, 2012).

Eligibility. Participants in the present study must have had a certain degree of involvement with the Canadian Youth Criminal Justice System in order to be able to provide adequate responses to questions in the interview guide. Potential participants had to have received at least one criminal charge and attended court proceedings that resulted in some form of consequence such as fines, probation, house arrest, or incarceration in a youth justice facility. Youth without this degree of involvement may not have had enough experience within the Canadian Youth Criminal Justice System to be able to provide the amount of detail necessary to form an adequate representation of the system and how it impacts transient youth. Youth who have turned eighteen may have become involved with the Adult Criminal Justice System, given that they exit the jurisdiction of the Youth Criminal Justice System upon turning eighteen and enter the jurisdiction of the Adult Criminal Justice System. It was not my intent to embark on a comparison of these two separate systems, therefore any participants who were eighteen were

asked to limit their responses to discussion of the Youth Criminal Justice System so that there was no confusion or comparison.

Gaining access. In order to gain access to this sample of transient male youth I sought permission from Phoenix Youth Programs to conduct my study on their premises and with their clients. Phoenix Youth Programs is a non-profit organization that serves homeless and at-risk youth between the ages sixteen to twenty-four in Halifax, Nova Scotia. Phoenix has a variety of programs designed to serve the multitude of needs of today's transient youth, including access to food, showers, and laundry, learning and employment assistance, counselling, medical support, as well as emergency shelter and long-term housing (Community Action on Homelessness Report Card Working Group, 2010; Phoenix Youth Programs, 2013). The youth who access Phoenix programs are extremely diverse, and are best described by the broad definition of youth homelessness by Gharabaghi and Stuart (2010) which recognizes that this population differs greatly in the types of housing situations they experience, and the causes to which they attribute their homelessness. Phoenix clients are also diverse in their racial and ethnic backgrounds, as well as their social class.

I have been employed at Phoenix Youth Programs for over three years in various capacities. The majority of my time has been spent at Phoenix Youth Shelter, which is a twenty-bed emergency shelter that operates around the clock. In order to minimize any conflicts of interest I have decided to conduct this research study at a separate location, Phoenix Centre for Youth (PCFY), given that I have worked there very little during my time with this organization. PCFY is a drop-in centre that is open to youth who are homeless and at-risk of homelessness. Youth accessing this program can receive support in finding housing, accessing medical care, and much more. PCFY also provides immediate access to showers, clothing, and food.

I initiated contact with the Director of Residential Programming, Rob Morris, and the Acting Coordinator of Phoenix Centre for Youth, Michele Poirier, to begin the process of seeking permission to conduct this research study within Phoenix Youth Programs at this particular location. A copy of this request letter can be found in Appendix D. I submitted a formal request once my proposal was approved by my thesis committee and the University Research Ethics Board, a copy of the UREB approval letter can be found in Appendix A.

Sampling method. I employed convenience sampling (Bryman, 2008) in that interviews were conducted with male youth who meet the eligibility requirements, who happened to be accessing services at Phoenix Centre for Youth (PCFY) in Halifax during the time of the study, and who wished to participate.

Research study promotion. Transient male youth were made aware of the research study and the opportunity for participation by case managers at PCFY. Given that Phoenix staff members have an existing relationship with their clients they were able to easily and accurately identify youth who were appropriate for the study, inform them of the opportunity, and determine their eligibility. It is important to note that PCFY case managers are bound by Phoenix's confidentiality policy, which requires that the information they learn about their clients must be protected and remain confidential unless it falls under the professional's duty to report in instances of minor abuse and in situations where one poses a danger to themselves or others. Case managers were informed about the research study and the opportunity for youth to participate via an e-mail message, which outlines the eligibility requirements that potential participants had to meet in order to participate. Please see Appendix E for a copy of this e-mail message. I made myself available at PCFY during regular business hours for a period of four

weeks, and during these times staff referred youth directly to me if they believed that they were eligible for participation, and if the youth expressed an interest in learning more about the study.

2.3 Data Collection and Instruments

In order to acquire rich descriptions of how transient male youth perceive their experiences within the Youth Criminal Justice System I conducted semi-structured interviews using an interview guide. In describing different interviewing techniques, Hansen (2006) explains that semi-structured interviews are:

... open-ended and relatively unstructured... allow[ing] a researcher to explore how people view their own behaviours and experiences, and the meanings they attribute to them (p.96).

This interview type allows for flexibility in terms of which questions are asked and how, and the use of additional questions for the purposes of clarification and in order to follow new lines of inquiry that present themselves to the researcher (Hansen, 2006).

Hansen (2006) also recommends the use of a demographic information sheet in order to easily record additional information about each participant. The demographic information sheet I designed for this research study included questions on the participant's race or ethnicity, their current housing situation, the approximate amount of time they had experienced or been homeless, the type of homelessness they experienced, their degree of involvement with the Youth Criminal Justice System, and the Canadian provinces where their involvement with this system occurred. A copy of the Demographic Information sheet can be found in Appendix C.

Additionally, I recorded field notes on each participant, allowing me to record information of interest or significance from before, during, and after each interview, to make note of my impressions, and to facilitate later interpretations of transcripts (Hansen, 2006).

Interview guide. The interview guide contained questions intended to explore particular aspects of the youth's experiences. Open-ended questions were used in an effort to elicit broader responses (Seidman, 1991), thus providing a deeper understanding of the issue by allowing participants to explain in their own words how they perceived their experiences within this system. The interview guide was designed to guide the discussion and to ensure that it did not stray from the topics of interest or enter into areas that could pose an issue in terms of confidentiality, such as specific criminal activities or violent acts. The questions contained in the interview guide were worded in a non-leading manner in order to ensure that no bias was evident on behalf of the researcher that could affect their responses (Hansen, 2006; Seidman, 1991). Furthermore, the interview questions avoided using jargon and complex terms and were designed to be comprehensible to the participants (Hansen, 2006). Some key topics addressed in the interview guide included youths' experiences with criminal justice professionals and processes, how they believed their homelessness had impacted their experiences, their views on the system, and what changes they would make to the system if given the opportunity. A copy of the Interview Guide can be found in Appendix B.

Preamble. Once the participants agreed to commence the interview by signing the Informed Consent Form, I read aloud the preamble. The preamble was designed to re-introduce the subject matter and to make it clear to participants that my research interests are about how they perceive their experiences within the Youth Criminal Justice System, and not about their criminal activities or involvement. Participants were advised to avoid discussing particular activities of an illegal nature and asked to focus on the legal processes and their experiences within the system. Please see Appendix G for a copy of the preamble.

Scheduling and location. I personally conducted each interview, which lasted between a half-hour and forty-five minutes. The schedule for interviewing participants was relatively flexible in order to meet the needs of a transient population. All interviews were conducted during business hours at PCFY when other Phoenix staff were present in the building and available for immediate crisis support as necessary, and when there was space available to accommodate privacy for the amount of time to conduct a full interview.

Data collection. A digital recording device was used to record the interview portion of each session. Additional supporting information was gathered using a Demographic Information Sheet, which can be found in Appendix C. Interviews were transcribed using Express Scribe Pro Software and transcripts were created using Microsoft Word.

Security. The digital recording device, USB storage devices, my personal laptop, and any physical data remained in my possession during transportation, and I made every effort to ensure that all information and devices were secure at all times. All files on my laptop were password protected, and the USB storage devices used to store the data are equipped with an encryption process to protect the data from being accessible to anyone aside from myself. All physical data, including demographic information sheets, informed consent forms, notes, and transcripts, as well as the recording device were kept in a lockable filing container during transportation and when not in use.

2.4 Protection of Human Subjects

There was limited potential for harm to befall the participants in this study given the precautions that were taken to ensure participants' well-being, as well as their confidentiality and security. Although it is conceivable that participants could have experienced negative repercussions if they happened to disclose information requiring me to breach confidentiality, or

if the information were to fall into the hands of someone who could identify them from their responses, every effort was made to limit the possibility for such eventualities. For instance, in the results section I use pseudonyms when referring to each participant in an effort to protect their identities.

As a researcher, and as a youth worker, I also made every effort to reduce the harm that could befall participants due to emotional distress. My experience within Phoenix Youth Programs and my training as a youth worker render me capable of addressing participant's immediate needs for emotional support and crisis intervention if the need were to arise during the interview.

Informed consent. Despite this study's limited potential for harm, it was still necessary to obtain informed consent in order to be able to complete interviews and to use the information for data analysis. That this study involved the participation of youth under the age of nineteen required an examination of the ethical procedures and guidelines for obtaining informed consent from minors without consent from their parents or guardians.

Mature minors. Typically it is necessary for researchers to obtain parental consent to conduct studies with research subjects under the age of eighteen. However, there are some situations in which it is problematic to obtain parental consent. Transient youth are often not in contact with their parents, or are under the guardianship of the government. Many of these youth may have experienced abuse in the family, or have other reasons that they do not wish their parents to be contacted to obtain consent (Levine, 1995; 2008; Meade & Slesnick, 2002; Rew, Taylor-Seehafer, & Thomas, 2000). Issues with parental consent have led to the consideration of ethical guidelines for research with minors and the development of some exceptions to the requirement for parental consent (Levine 1995; 2008). The main exception is that youth who are

legally emancipated from their parents, because of marriage or financial independence, are capable of giving informed consent on their own. Some researchers consider minors emancipated if they are not living at home (Rew, Taylor-Seehafer, & Thomas, 2000). Ethical considerations for research with minors typically require that the adolescent is at least fifteen years old, that they are judged capable of giving informed consent, and that the study does not involve high risk procedures or have a high risk of potential harm to the participants. Capacity of minors is determined based on their intelligence, maturity, and their ability to make decisions based on reason (Levine, 1995; 2008; Meade & Slesnick, 2002; Rew, Taylor-Seehafer, & Thomas, 2000). It is also recommended that researchers obtain informed consent from minor participants, in that they are fully informed about the requirements, benefits, and risks involved in the study (Rew, Taylor-Seehafer, & Thomas, 2000).

Informed consent process. At the beginning of each meeting I read the Informed Consent form to the participant and discussed each aspect with them in order to ensure full comprehension. Since this topic touches on sensitive subject matter it was necessary to explain the purpose of the study and the general topics to be covered in the interview so that the participants understood the parameters of the research and the circumstances under which confidentiality may need to be breached. Participants were made aware that they would not be asked to disclose information about their criminal activities or involvement, and they were encouraged to refrain from disclosing any such information since the focus of the study was on their perceptions of their experiences within the youth criminal justice system and not about their illegal activities. Please see Appendix F for the complete Informed Consent form.

Crisis intervention. Given the high incidence of mental health problems in this population it was important to have a plan of action in case the youth became overly emotional or aggressive

during the interview. If a participant was to react in an adverse manner or become overly upset during the interview I intended to take the following steps. Firstly I would stop the audio recording, given that the discussion had likely gone off topic and it is not necessary or helpful to continue to record a conversation that is more focused on supporting their immediate needs. At this time I planned to also ask the participant if they wished to end the interview in case the discussion was making them uncomfortable or upset.

Secondly, I planned to ask the participant what it is that they needed in that very moment and how I could help (e.g., a glass of water, someone to listen, another PCFY staff). If the youth expressed suicidal thoughts or ideas, or made comments that led me to believe they may be suicidal or experiencing suicidal ideation I would engage in ASIST (Applied Suicide Intervention Skills Training). My training and experience as a youth worker qualify me to engage in this form of crisis intervention, and using ASIST in these situations is the recommended response for youth workers in Phoenix Youth Programs. If at any point I felt that I needed additional support from Phoenix staff I intended to use my cell phone to call and ask that a Phoenix staff member be sent to the room where I was conducting the interview. If I felt it was necessary, and the youth wished for me to do so, I planned to place a call to Mental Health Mobile Crisis for further support. This is a service in HRM that can be accessed by phone by youth or by staff persons to help support youth when they are experiencing mental health difficulties (Brown & Amundson, 2010; Gharabaghi and Stuart, 2010; Halifax Regional Municipality, 2005; Skott-Myrhe et al., 2008; Van Daalen-Smith & Lamont, 2006).

Once the situation had been sufficiently resolved I would then decide whether or not it was possible and appropriate to resume the interview, and I would ask the participant if they wished to do so. If they did wish to resume the interview we would resume recording and

continue where we left off. If they did not wish to complete the interview I would attempt to debrief them, unless I believed that this would cause further issues or they did not wish to remain and be debriefed. If the youth decided that they did not wish to complete the interview I would inform them that their information would be destroyed immediately and I would provide them with their compensation as promised. If the interview had been completed and the situation required crisis intervention, after resolving the situation I would ask if the youth was still comfortable with their responses being used in the research study. It is important to ensure, even if the youth becomes upset or angry or wants to leave, that they are always given the opportunity to withdraw if they wish to do so. If the situation were to become serious enough to involve other Phoenix staff members it may have merited an 'incident' as per Phoenix protocol, requiring me to complete an incident report for PCFY records.

Debriefing period. A debriefing period is designed to provide participants with additional information or to re-address important points, as well as to alleviate potential negative effects of their participation such as emotional distress. Following each interview I read participants a debriefing statement that re-addressed their right to withdraw and my duty to report, and reassurance that the services they receive at Phoenix would not be affected by their participation or withdrawal. It also presented them with the opportunity to ask questions and express any thoughts or feelings that they wished to share following the interview. Please see Appendix H for a copy of the debriefing script used in the interviews.

Resource handout. At the end of the interview each participant received a handout which provided information on supportive resources that they could access in Halifax for crisis needs or legal support and information. Participants were also reminded to approach their case managers at PCFY for further support. The names of each case manager were included on the

handout to serve as a reminder of their availability to provide such assistance. Please see Appendix I for a copy of this resource handout.

Actual interviews. Each of the five participants indicated that they understood the information contained in the informed consent form, and agreed to sign the form and to participate in the interview. All interviews went smoothly, with no need for any crisis intervention or support from outside resources. During the debriefing period participants reported no ill effects and seemed at ease, they all confirmed that they felt comfortable with their data being used for the research study.

2.5 Data Analysis

Following completion of data collection I transcribed each interview using Express Scribe Pro Software. I then uploaded the transcripts into MAXQDA Qualitative Data Analysis software and began coding the data using the thematic networking approach, as described by Attride-Stirling (2001) in her article *Thematic networks: an analytic tool for qualitative research*. Attride-Stirling (2001) instructs the researcher to begin reducing the data through development and application of a coding framework, which can be based upon the “theoretical interests guiding the research questions, on the basis of salient issues that arise in the text itself, or on the basis of both” (p.390). As recommended by Seidman (1991) in his book *Interviewing as Qualitative Research*, I attempted to approach the data with “an open attitude, seeking what emerges as important and of interest from the text” (p. 89). Following the development of a coding framework the researcher must apply the codes to the text itself in order to separate it into “meaningful and manageable chunks of text” (Attride-Stirling, 2001, p.390). Once the data has been reduced the researcher can identify themes within the text fragments, and then begin to group the fragments into what Attride-Stirling (2001) refers to as ‘Basic Themes’ (p.392),

keeping in mind that the themes must come from the data and must not be imposed upon it (Seidman, 1991). Basic themes are then clustered together under larger thematic connections to form ‘Organizing Themes’, which are in turn used to identify thematic networks, or ‘Global Themes’, which comprise: “the core, principle metaphor that encapsulates the main point in the text” (Attride-Stirling, 2001, p.393). Once the researcher has organized the data into thematic networks they must describe its contents and begin to explore emerging patterns, summarize the main themes and patterns, and finally interpret the patterns by:

... return[ing] to the original research questions and the theoretical interests underpinning them, and address these with arguments grounded on the patterns that emerged in the exploration of the texts (Attride-Stirling, 2001, p.394).

I organized the data in the manner described above and my supervisor, Dr. Fernando Nunes, reviewed the thematic coding I had done and agreed that it appeared to follow from the salient issues that appeared in the text.

Theoretical Approach. Earlier in this proposal I described the critical pedagogical paradigm and argued that this theoretical approach would be best suited for analysis of this particular research study. Critical pedagogy is an approach based on the perspective that societies, and our interactions within society, are created and perpetuated by certain social, economic, and political inequities. Aspects of difference, such as gender, age, ethnicity, and socioeconomic status all impact where someone exists on the hierarchical scale of power. Those with the least amount of power experience marginalization or alienation within society because societal institutions are designed by those who are powerful and serve to benefit these groups by maintaining the status quo. The critical pedagogical perspective acknowledges that, despite these differences in power, everyone is deserving of the same rights and freedoms. In order to make society less oppressive and more equitable for marginalized populations we must examine these

inherent inequalities through the analysis of language and social realities (Burbules & Berk, 1999; Darder et al., 2003; Freire, 1970; Giroux, 2003; McLaren, 2003). My objective in using this particular theoretical perspective was to discover how participants viewed their social realities in terms of how they perceived their experiences within the Canadian Youth Criminal Justice System.

2.6 Dissemination

The process of dissemination involves the transmission of the research findings to appropriate audiences. Once I completed the data analysis process I began to write this thesis to present and discuss the research findings and how they can be interpreted under the critical pedagogical paradigm. This process also required me to orally present and defend my research study and its findings to a thesis committee. In order to avoid the possibility that participants would be able to identify one another, I prepared a brief report summarizing the findings that was sent via postage mail to PCFY to any participants who indicated that they were interested in being contacted with this information by checking the option off in a box at the bottom of the Informed Consent form (Appendix F). It is common for youth to receive mail at this location, so to have mail addressed to these youth sent to PCFY was not out of the ordinary.

Though I do not have any current plans to do so, there is a possibility that I may decide to write an additional report on findings from this research study for submission to an academic journal. Additionally, Phoenix Youth Programs has expressed an interest in learning about the results of this study, therefore I will host a small gathering for interested staff members at a Phoenix location where I will present the results and lead a discussion about how they relate to our work with transient youth.

2.7 Summary

In this methodology section, I have identified that I would conduct my research study by interviewing male transient youth in Halifax, Nova Scotia, at Phoenix Centre for Youth. I went into details about how I conducted the study, including my rationale for choosing the sample population and how I would protect the human subjects who agreed to participate. I also described how I collected the data through individual interviews, and that I used thematic networking to reduce and analyze the data. Furthermore I explained how I planned to disseminate the data once I completed the study.

Chapter 3: Results

3.1 Introduction

As discussed in the literature review, the advent of the YCJA attempted to refocus Canadian youth justice legislation around the precepts of rehabilitation, reintegration, the deliverance of meaningful consequences, and the need to address underlying issues contributing to youth offending. These changes appeared to be ushering in a more youth-focused approach to youth justice which would be more concerned with upholding youth's rights, as set forth by the UNCRC, and serving their best interests (YCJA, S.C. 2002, c.1; Canadian Criminal Justice Association, 2011b). I have chosen to frame the results of this study in a way that will reflect whether or not this legislation is doing what it was designed to do, while looking at how involvement with this system impacts transient male youth.

Given the responses of the transient male youth who participated in this study, it appears that the Canadian Youth Criminal Justice System is serving this population in a manner that is not consistent with this legislated movement towards a more youth-focused approach. In fact, the perceptions of these youth regarding their experiences reveal that, despite evidence that some aspects of the system appear to partially adhere to the YCJA principles, there is also much evidence to suggest that this system continues to oppress transient youth by contributing to their marginalization and causing them to feel disempowered.

3.2 How the System fits into the Worldview of Transient Male Youth

Before addressing whether the YCJA has been successful in adopting and practicing the principles it proposed, according to the narratives of transient male youth, I want to explore how this population views the system- what they think about it general, what they believe is its purpose, and whether they believe it is effective. I believe that the responses of the participants in

this study to these types of questions will set the stage for a deeper exploration of the YCJA and its impact on their lives. In order to determine whether the system is doing what it proposed to do, we must look to the narratives of those involved in the system and how they perceive the system overall. Please note that, in the following paragraphs, I will use pseudonyms to refer to different participants in an effort to protect their identity.

Indifference. The responses of the participants in this study reveal that, for the most part, the youth criminal justice system seems to hold a rather tenuous and insignificant place in the worldview of many transient male youth. The responses of these young men make it apparent that they are not invested in the youth justice process, meaning that they do not appear to believe that the system as a whole is effective, or that it is meaningful to their lives.

Despite the potential for this system to have a major impact on their lives, many participants expressed a feeling of indifference, which reveals that, for whatever reason, they are not invested in the process. Mike, aged sixteen, made a statement which indicates that he is unconcerned about the consequences he may receive from the court:

A couple times [the Judge] asked me why I was dressed like I didn't care. Well, honestly, right now, it's just another day. Yeah, he asked me why I was dressed like this...

[Judge]: "well, it's court, so why aren't you in a suit?"

[Mike]: "cause I'm not a suck up, I have committed a crime, you caught me on it, so here I am, I really don't care, and what are you gonna give me?"

I'm gonna tell it straight to your face that I did it, I'm gonna do it again, so what are you gonna do about it? You're gonna give me probation? Or defer, or house arrest? (Tr.3, p.7).

Given Mike's belief that the system is ineffective and not nearly strict enough (Tr. 3, p. 3, 4, 10, 17), his indifference appears to stem from a belief that any consequences imposed by the system are insufficient to cause him to reconsider his actions.

Joseph, also aged sixteen, commented that “I just sit there [in court] and like, pretend to like listen and care” (Tr.4, p.4) making it clear that he was not overly concerned with following the court proceedings or the consequences he would receive, and that he too was feeling indifferent:

I knew I was guilty, so, sure, charge me... I know I'm not going to jail... I wouldn't even be concerned then. I'm homeless, that's three square meals a day and a place to stay... it's like cake in there (Tr.4, p.6).

This comment indicates that perhaps young persons who have experienced homelessness are indifferent to major changes in their lifestyle given that, for some like Joseph above, incarceration may be preferable to continued uncertainty about their living situation.

Self-reliance. Devon, aged eighteen, made it clear that the youth criminal justice system has very little place in his worldview because it has done little to influence him in any significant way. When asked how he felt the youth system had influenced him, Devon stated that he felt it had very little impact on how he sees himself:

Honestly, the youth system didn't influence me at all, because I think that everything that I have now, to this day, anything, my family or whatever, friends or my job, or anything like that, I did that all myself. I don't think that they did anything at all, because I just, I got my job all by myself, I did go through a lot of stuff to get it, but, I just, I don't think, I don't know, it's not even because I don't like the youth justice system, it's just because, I really, that's just my opinion, I don't think that they do help at all, I did it all myself (Tr.1, p.8).

It appears that Devon's involvement with this system served to hinder his attempts to move forward by negatively impacting his home life and his ability to find employment, as evidenced by his statement that: “It had an impact... more in a bad way than a good way” (Tr.1, p.9). Devon's stance that this system has done little to help him, and far more to hinder him is, in my experience as a youth worker, a common one among transient youth.

Purpose and effectiveness of the system. Participants had differing ideas on the actual purpose of the youth criminal justice system, but it appears that overall most of them believe that, for one reason or another, the system is ineffective in doing what it is meant to do.

Lack of effective consequences. Mike, who stated that the system is meant to teach youth a lesson through punishment, felt that the youth system is ineffective because it is not strict enough. Mike's comment, that placing a twelve year old in a youth justice facility is unlikely to teach them 'a lesson,' indicates that he believes that the lesson that is meant to be taught by the system is that one's actions have consequences:

... if a twelve year old got caught stealing, six months... or three months in [a youth justice facility]... may teach him a lesson, but I highly doubt it because there's no consequences there (Tr.3, p.9).

Mike's later response to a question about how he would change the system was that he would make it far stricter: "So people will think twice before doing something stupid" (Tr.3, p.17).

When asked about his thoughts on the purpose of the Youth Criminal Justice System Mike claimed that "[it is] supposed to be there to teach you a lesson, but it doesn't work" (Tr.3, p.16). He also stated that the system is a "giant joke" (Tr.3, p.4) and that "it's not strict enough" (Tr.3, p.4) because the threat of consequences, and the consequences themselves, are not sufficient to change behaviour or deter further offending:

The system taught me that it doesn't matter really what I do until I am seventeen. [You can do] Whatever the fuck you want and you don't get in shit (Tr.3, p.11).

Additionally Mike indicated that the consequences handed down by the courts are extremely lenient, a "joke" (Tr.3, p.10) in his opinion. He compares a possible sentence of "two years in Waterville or five years' probation or deferred custody" (Tr.3, p.11) to a 'time-away' type of consequence used with children:

It's like a child you get told to go to your corner for two minutes and then you walk away (Tr.3, p.11).

Mike spoke with particular disdain of a youth justice facility where he spent time, which he compares to “summer camp” (Tr.3, p.4). He believes that youth aged sixteen and over are fully capable of understanding that certain behaviours are not acceptable and should be held responsible for their criminal behaviours in a manner that effectively deters future offending.

Mike’s opinions closely reflect those of the Nunn Commission, which I presented in the literature review. This document expressed views that the YCJA was too lenient and would not provide sufficient consequences for high risk violent offenders, and recommended changes to the YCJA that would enable tougher sentencing for these individuals. The Conservative party succeeded in passing Bill C-10, which led to several changes in the YCJA that were put forth by the Nunn Commission’s report (Government of Nova Scotia, 2007a; 2007b). Mike’s viewpoint is somewhat stronger than that of the Conservative party, as he appears to think that the entire system needs to adopt a tougher approach, rather than just focusing on those repeat and violent offenders.

Overly strict. Alternatively, two respondents described the system as overly punitive and harmful to youth, and expressed their belief that the youth system is too strict. Joseph stated that it is far too easy for young people to get in trouble: “You do one silly thing and you’re locked up” (Tr.4, p.7), as well as that the system treats young people too harshly: “I think they should be a little less harsh on us... we’re young” (Tr.4, p.6). He suggested that the system should use alternate methods to incarceration because of the harm such measures can exert on youths’ mental health. Richard, aged eighteen, who also contests that the system is meant to punish youth: “Well, in my eyes they’re here to punish me” (Tr.5, p.10). This youth similarly believes

that youth should not be held responsible for their offending activities, as they have not fully developed the capacity to understand their behaviours and the consequences of their actions:

... we're only young, we don't know better. Everybody makes mistakes in life, some people just make more than others (Tr.5, p.6).

Necessary restraint on youth behaviour. A few participants expressed their belief that the youth criminal justice system acts as a necessary restraint that helps to reign in their behaviour. Devon explained that the conditions he was assigned act as a restraint on his activities because he is aware that further offenses could lead to more serious consequences, such as incarceration:

... well, it keeps me out of trouble, for sure... especially being on... conditions and stuff, I think it helps me, I also think it helps other youth, because when you're on those kind of conditions you don't want to be going out and getting in trouble... [because] you know you're going right to jail (Tr.1, p.11).

Alex, aged eighteen, has entered the realm of the Adult Criminal Justice System. He also expressed the belief that the youth criminal justice system acts as a necessary restraint for youth behaviour:

It's necessary... Well, you know having a huge group of kids outside, and uh god knows what, something has to be set in place (Tr.2, p. 12).

Overly complicated. Despite his belief that the system acts as a necessary restraint on youth behaviour Devon stated that the system is ineffective because it is too complicated. He believes that the system could deal with young offenders more effectively and efficiently if the process were simplified by eliminating restorative justice. In his opinion this program is more of a hindrance than a help:

I think that all youth... instead of going to restorative justice stuff, I think they should be sent to court and let the court deal with it. That would be better because most youth, I've found, just knowing people from experience, when they go to restorative justice they think it didn't help them either, and they just go back out and do the same thing (Tr.1, p.2).

Reasonable. Unlike Devon, Alex uses the words “reasonable” (Tr.2, p.2) and “straightforward” (Tr.2, p.7) to describe the youth system:

I think the youth justice system is very straightforward... I know a lot of kids who deal with the youth justice system, that they always get pissed off because they got remanded or anything, that they aren't getting a lawyer, or uh, they get remanded, they're uh, get postponed, or are remanded in the youth courtroom, like plea court. And um, like I know what it's all about... they get very mad about it and so, with me personally, in terms of remand, I get mad about it, but... I understand why it wouldn't get dealt with... It's a process, depending on what I get charged with, right, it's always a process (Tr.2, p.7).

Alex’s narrative indicates that he simply accepts frustrating situations that tend to make other youth very upset, such as repeated delays in court. So, despite the hardships he has had to endure, in part, due to his involvement with the youth criminal justice system, such as homelessness and unemployment, Alex accepts that it is simply how things are done. He focuses a great deal on the positive things about his involvement with the system, but in the end he admitted that “it still sucks though” (Tr.2, p.16), indicating that having a criminal record makes things difficult, and that as a result, not every aspect of his experience was positive and helpful.

As I have demonstrated, the respondents had differing ideas of the purpose and effectiveness of the youth criminal justice system, but overall most of them believed that the system was ineffective and that parts of it, if not all, did not hold any meaning for their lives as transient male youth. The one youth who championed the system appeared to have resigned himself to dealing with a system by accepting and excusing its faults, a matter that will be addressed further in the discussion.

3.3 Meaningful Consequences

The YCJA principle requiring that consequences are meaningful to the offender requires that the consequence is proportionate to the offense committed, as well as that it should hold

meaning for the youth (Bell, 2012; YCJA, S.C. 2002, c.1, s.3). However, as we have seen, some transient youth are not invested in this system and do not consider it meaningful to their lives, making it likely that these youth do not consider the consequences imposed by the system to have any true meaning to their lives. Already their narratives have demonstrated that, for the most part, they do not consider the consequences appropriate or effective.

Extrajudicial programs. The interviews revealed that many of the participants had been involved in extrajudicial programs, especially Restorative Justice. For a program to be considered meaningful to participants they should be able to identify with the purpose of the program and demonstrate an understanding of how it relates to their needs. Some youth were able to identify specific aspects of programs for which this appeared to be the case.

A few participants in this study described programs with which they were involved through the youth criminal justice system that they found particularly meaningful. Richard, despite his overall opinion that Restorative Justice was a waste of time, described his experience at one meeting in which he was able to engage in problem solving with youth his own age who had committed similar offenses:

Cause I got to hear other people who had done the same stuff. They were all my age too... I dunno, it was helpful having people there, that were there for the same stuff I was there for... [we] Talked about things we coulda done instead of doing what we did (Tr.5, p.4).

Richard felt as if this approach was more meaningful to his experience than his one-on-one meetings with Restorative Justice caseworkers.

Lack of meaningfulness in programs. Some respondents reported that, in their experience, extra-judicial programs lacked meaningful components. Joseph, for instance, expressed his confusion and discomfort around a particular Restorative Justice approach called victim-mediation, in which he was required to sit down with those he had victimized and explain

why he had committed the offense, and listen to them explain how the crime had impacted them. He did not seem to believe that this was a useful or effective consequence, preferring community service or incarceration. He also seemed to think that his actions were justified by his need, and that this was a reason he should not have to explain his behaviour to others:

Well, I don't get why I have to sit there and tell people why I'm stealing their belongings... Like who on Earth wants to sit there and tell someone why they stole their stuff? Well I needed the money, get out of my face (Tr.4, p.15).

Another participant, Devon, also felt very strongly that the Restorative Justice program was a waste of time and had little benefit, explaining that he felt that the process was needlessly drawn out and complicated, unlike the court process, which he felt was straightforward and simple:

Well, I just found the court, because they actually... tell you what you're gonna get, what you're gonna do, and then you do it, and then you're fine. But restorative justice I find is just going through the cycle and cycle until you just finish up so many days, once you get out you just go crazy, you know (Tr. 1, p.13).

Devon also said that “it's not really like you do anything for [Restorative Justice]”, suggesting that he did not feel as if the experience held any meaning for him, as well as that he did not consider the process to be helpful, which he also stated outright: “I don't really think they're helpful” (Tr.1, p.13).

Shortcomings of Restorative Justice. Participants' responses clearly indicated that they value some aspects of the Restorative Justice process and that they dislike other aspects. Their responses also appeared to indicate that part of their ambivalence and lack of investment could be due to how the program is structured. Both Devon and Mike described how they were not given a choice when it came to being assigned to a particular Restorative Justice method, such as victim-mediation or peer-group meeting. As discussed in the literature review the YCJA is not promoting youth engagement in the justice process in an effort to take into account their

perspectives and to ensure that the consequences are meaningful to this population. These participants' responses confirm that youth engagement is not a guiding principle in the Restorative Justice program given its failure to consider their needs or their input when it comes to deciding the aspect of the program in which they should take part. Perhaps if youth were given the opportunity to engage in the process they would in turn be more invested, which would likely result in improved outcomes.

3.4 Rehabilitation

The YCJA proposes that, in order to support the reintegration of young offenders back into the community and to ensure that they do not reoffend, it is necessary to rehabilitate these young people by providing support for their various issues, such as mental health and addictions (Bell, 2012; YCJA, S.C. 2002, c.1, s.3). However, evidence gathered in this study suggests that youth are not necessarily receiving appropriate supports and that, as a result, such conditions are worsening.

Lack of mental health support. All youth have the right to be protected from harm (United Nations General Assembly, 1989) and the YCJA was designed, in part, to reduce the harm young people might experience due to their involvement with this system (YCJA, S.C. 2002, c.1, s.3). However, it appears that some transient youth are of the opinion that certain consequences, particularly incarceration, continue to be harmful in that it leads to traumatization and suffering. Joseph, in particular, was very adamant that incarcerating young people has a detrimental impact on their mental health:

If you throw a friggen person in, like a kid, you get like shocked, or I guess you get traumatized easily... It's not a good thing, locked in jail. You know what I mean? It messes with their head. It fucks them up. It's fucking up your life, mentally you're gonna be unstable, honestly. Like, you're not gonna be the same, you know. You're gonna act like a lot different... I've seen one of my friends turn Schizophrenic from being in jail so long, I mean, like he had no friends, and he

had no one to talk to, so he talked to himself, and now he hears voices (Tr.4, p.12).

Such concerns are legitimate, since research surrounding mental health and incarceration have found that a great number of youth who are incarcerated suffer from one or more mental health disorders, suggesting that young people with mental health issues are far more likely to become involved with this system (Olley, Nicholls, & Brink, 2009; Sapers, 2010).

If some transient youth perceive incarceration as a cause or a factor in major mental health issues it follows that such facilities can hardly be providing effective intensive mental health supports as per the YCJA principle of rehabilitation.

3.5 Reintegration

Another of the main components of the YCJA is the need to focus on reintegration of young offenders back into society (YCJA, S.C. 2002, c.1, s.3). Given participants' responses in this study it appears that, on the surface, particular aspects of the system may serve to make the population of transient male youth feel more included in the wider society. However, further exploration of their narratives reveals that these aspects of the system actually operate in a manner that excludes homeless male youth, contributing to their separation from society, despite the initial appearance of providing support that will aid their reintegration.

Supportive networks. The YCJA speaks to the need for the youth justice system to address the underlying causes of youth offending by providing much needed support in areas such as addictions, mental health, schooling, housing, employment, and so on. It also addresses the importance of community involvement in the justice process, part of which involves reintegration of young offenders back into that very community. (YCJA, S.C. 2002, c.1). The formation of supportive networks, which continue to provide assistance to youth in need beyond the scope of the Youth Criminal Justice System, appears to act in an inclusive manner by

connecting the youth with community resources that are designed to address these issues. One respondent, Alex, spoke about how his involvement with community agencies, particularly Child Welfare and Probation Services, bolstered the support he received through the Youth Criminal Justice System. This formed a strong supportive network that was meant to assist him in matters of mental health, housing, and employment. However, he noted that, despite having what he felt was this strong supportive resource, he was still subject to many of the limitations experienced by youth with a criminal record:

They gave me support, like with the housing and whatnot. Probation, Children's Aid, everybody, but, it's just getting approved... when they help me, I go out and do it, sometimes it comes back with good results, sometimes it comes back with bad results. [It depends on] the people I'm interacting with, whether they want to take me or not (Tr.2, p.17).

So, despite the assistance he received from this intricate supportive network Alex still experienced difficulty finding housing and employment, because the final decision was made by landlords and employers whom he believed were reluctant to take a chance on someone with a youth criminal record. This was evidenced by his statement that he was unable to find employment: "I have never gotten a job... nobody wants to see my track record" (Tr.2, p.9). Clearly this supportive network could only help him so much, leaving him mostly subject to the fears of the general public who ascribe to the 'moral panic' perpetrated by the media (Bell, 2012).

This process also appeared to place a lot of expectations on a transient youth, some of which undoubtedly lack the skills to engage with landlords and employers in a successful manner. Alex, as a minor, has the right to adequate housing under the UNCRC, if not employment, so one might ask why it is that the provision of such a basic necessity is dependent on Alex himself and his social skills, and to other adults who are not charged with his care.

Clearly this element of the system does not go far enough, providing only the illusion of support, as opposed to the authentic kind. It ultimately ends up excluding youth as opposed to including them, as it did in Alex's case, by not doing enough to ensure that youth have access to employment or housing. In some cases it actually hinders their attempts to obtain them. This is due to having saddled these youth with a criminal record, which the wider public tends to see as confirmation that these kids are no good.

Custodial sentences. Some respondents had experienced incarceration in a youth justice facility. One would think that reintegration would be a key goal in such facilities, given that it was necessary for the safety of the community to incarcerate these youth in the first place, and that eventually they will need to return to society. Alex seemed to feel that there was an inclusive aspect to his sentence, given that halfway through his sentence he was transferred from a closed youth justice facility to an open facility, helping to ease his transition back into the community:

... usually the way the youth criminal justice system works is that if you get sentenced to secure time, say you were going to serve six months secure, you would do three months secure, then do three months open, so it's half and half, and, so um because it helps you, after your first half in secure, then they take you to open because uh... Transition back into the community, because that open custody, they have those programs that are staff supervised that let you go out (Tr.2, p.14).

However, other respondents felt that incarceration in these facilities served only to exclude youth further from society. Joseph was adamant that incarceration is harmful to young people's mental health and he explained that when these young people get released they are so badly damaged that they experience further exclusion, even from their peers:

They're not helping you at all by throwing you in jail. They're fucking you up in the head. My word, that's all it does... I know people that went to jail, they're my friends, and I just can't hang with them, they're so friggen fucked up in the head now (Tr.4, p.11).

Richard described how a friend of his had been incarcerated so long that he became more comfortable in such facilities than in the outside world:

The way I see it with him, he likes it on the inside, 'cause he's been in ten years on lockdown... he's been in and out, it seems he likes the inside better than the outside. He's gotten comfortable being there... (Tr.5, p.11).

Richard also admitted that sometimes he is more comfortable being incarcerated because he has many close friends who are also locked up:

Sometimes I think it's better than the outside... 'Cause it's pretty much family up there, like having family (Tr.5, p.11, 12).

That transient youth speak of deep traumatization and close family ties that they made during their incarceration speaks to the likelihood that whatever measures these facilities are using to reintegrate youth into society are not successful. It also speaks to the persistent conflicting objectives of the process of youth justice.

3.6 Addressing the Underlying Causes of Youth Offending

The YCJA claimed that it was going to better address the underlying issues that contribute to young offending (YCJA, S.C. 2002, c.1, s.3), however, in actuality it perpetuates such issues by hindering youths' ability to find employment and housing. This forces transient youth to be in constant survival mode, making them more likely to re-offend because of the need to obtain the basic necessities of life (Baron, 2006; 2007).

Employment. Each of the participants in this study had difficulty finding or maintaining employment due to their involvement with the youth criminal justice system. Devon explained that:

... once you're in trouble with the law you can't even get a job, because you gotta do so much running back and forth to court, and you could be going to jail back and forth, you can't even get a job until it's all over and your charges dropped, and you serve whatever you have to serve. Like, I didn't have a job for a long time, I had to quit my job when I got charged. Because I had to do so much

running back and forth to court and jail that I couldn't even keep a job. I had this job one time where I had to go on a random day, and that could be the day you're working (Tr.1, p.9).

Other participants, including Mike, confirmed that often they were unable to find or maintain employment due to the time they were required to spend at court:

I go to court so I don't go to jail, and I lose my job and have to start all over again (Tr.3, p.2).

They also explained that they had further difficulty finding a job because of their criminal record. Recall Alex's comment under the section on reintegration that he never found a job because no one wanted to "see his track record" (Tr.2, p.9).

Housing. Each of the participants included in this study have experienced homelessness at some point, and some indicated that their involvement with the youth justice system made it more difficult to find a place to stay. Mike explained that, as a sixteen year old who could not legally rent his own place, he approached private renters who were willing to consider renting to him despite his age. However, once they learned that he had a youth criminal record he was typically turned down, unless the promise of immediate cash was able to change their minds:

Well at sixteen I'm not allowed to rent my own place, legally, however if you saw any privately rented place, you can say:

[Mike]: "yes, I am a felon" and they go:

[Landlord]: "well we can't rent to you" ... I say:

[Mike]: "I got my last three weeks' pay, I have three months damage [deposit] and three months' rent down" ... and they go:

[Landlord]: "oh, okay, well when you do want to move in?" (Tr.3, p.13).

Mike also explained that he did not have to disclose that he had a record, but this comment indicates his awareness that such disclosure might lead to rejection:

Well as a youth I don't have to [disclose my criminal record] it's written in the clause that for renting a place or anything like that, I don't have to tell them about it... So technically, if I was gonna move in somewhere, I'd go "nope, I don't have a record" and they go "okay" (Tr. 3, p.18).

3.7 UNCRC Rights

As discussed in the literature review, the YCJA claims to uphold the rights of children and youth set forth by the UNCRC (YCJA, S.C. 2002, c.1, s.3), however, participants' narratives indicate that, despite evidence of their rights being upheld by some professionals, it is also evident that in other situations their rights are violated, and often they are not even aware it has happened.

3.7.1 The right to fair treatment and respect. Once I began to talk to transient male youth involved with this system, it became clear that there are some instances in which their rights to fair treatment and respect are upheld, but that, more frequently, they experience mistreatment and disrespect at the hands of legal professionals.

Individual discretion. Devon, who had both good and bad experiences with legal professionals, pointed out that such interactions really depend on the individual: "it all depends on who you get" (Tr. 1, p.3). Further evidence from participants' narratives reveals that the legal professionals who treat youth fairly and respectfully may be the exception to the rule; these represent a few special individuals among a larger group of adults, the latter of who tend to treat youth in a manner that leads to them feeling disempowered rather than empowered. It is concerning that, whether youths' rights to fair treatment and respect are upheld seems to be dependent on the individual discretion of legal professionals, and not based upon the fact that the YCJA dictates that youth be treated in accordance with their rights.

Disrespect and unfair treatment. The treatment of youth by law enforcement professionals was greatly impacted by how these adults viewed and treated their young clients. Aside from a few special individuals, participants in this study seem to feel as if the majority of the professionals who are meant to help them are not as supportive or caring as they would like.

Due to their status as a subordinate group, young people, especially those who are more disadvantaged as a result of their transient lifestyle, are subject to mistreatment at the hands of adults. Professionals in the youth criminal justice system have been given even more 'legitimate', or legally prescribed, power over young people given their role in a system designed to control and correct certain behaviours. Goodwin-De Faria and Marinos (2012) confirmed that youth feel powerless in regards to their interactions with legal professionals, which speaks to how they are treated - obviously these interactions are not focused on making the youth feel comfortable and empowered.

Discrimination based on age. Some of the participants in this study expressed feeling that they were treated poorly by law enforcement professionals due to their young age. Richard claimed that the police often treat him and his friends unfairly: "they think they can take more advantage of us, over us" (Tr. 5, p.6). He also explained that the system treats youth the way it does because they are young and are less knowledgeable:

... they think they can control us more than they can adults because we're younger and we don't know any better, and they think they can take advantage of us (Tr.5, p.6).

When asked what he meant by adults 'taking advantage' of youth Richard provided an example:

... for instance, one of my buddies who is nineteen and doesn't look like he is nineteen, and he had a smoke in his mouth... And the cop took the smoke out of his mouth, broke it, and threw it in his face... was like "you're too young to smoke", didn't ask him for his ID or anything. And then laid him on the ground when he asked him why he did it... he was being disrespectful to my buddy... cops jump to conclusions (Tr.5, p.6)

Here Richard is pointing out the assumption of many professionals, particularly cops, that young people are less deserving of respect and can be treated accordingly. Mike told a similar story in which a police officer instigated a conflict by taking his cigarettes:

One time that comes to mind... I was released [from a group home] to go get a pack of smokes, I came back five minutes later and the cop was waiting there, well he took my smokes, I told him to give it back to me, and then he didn't give it back to me, so then I got complications with him, argument, then the fact that he picked me up and threw me off the porch by my neck (Tr.3, p.1).

It appears that these youth are often subject to the mistreatment at the hands of those whose role as law enforcement tends to supersede their roles of protection and support, even when the enforcement attitude is unnecessary and sometimes highly inappropriate given the situation. These adults are using their power in a way that demeans those who are already at a disadvantage given their transient status and their age.

Targeting. Transient youth often feel as if they are disrespected and mistreated by legal professionals, especially police officers, simply because of their transient status (Mann et al., 2007). So far in this study we have seen that some youth feel that this is due to their age, however another participant disclosed that he often feels targeted by the police who approach him on a regular basis and assume that he is doing something wrong and fabricate reasons to search him because of his history of involvement with the youth justice system:

At least once a week they meet me after dark, they [police] stop me, they go:

[Police]: "What are you doing? Oh, well, we think you're doing something wrong so we're gonna search you."

[Mike]: "Well you need a warrant."

[Police]: "Oh you just gave us probable cause by saying we need a warrant."

[Mike]: [Then I] Look at that cop and say "that's the law, if not you wouldn't need a warrant, it'd just be twenty-four seven probable cause" (Tr.3, p.16).

If police target youth who have had past involvement with the system, it follows that these youth will likely have further involvement with the system because of the increased supervision and potentially negative interactions with these officers. This does not seem to equate with upholding youths' rights to fair treatment and respect.

Treatment based on race, ethnicity, and social class. Given that the population of transient male youth between the ages of sixteen to eighteen in Halifax, Nova Scotia is rather small and predominantly Caucasian, it was not surprising that each of the participants fit this description. Joseph and Devon did not perceive their race or ethnicity as having any impact on their involvement with this system. For instance, Devon said:

No, I don't think it really made any difference at all... it didn't seem to me like it impacted anything... neither good or bad (Tr.1, p. 10-11).

Mike responded with surprise that he was even asked about whether his race or ethnicity had impacted his experience with the system, exclaiming: "I'm White!" (Tr.3, p.14). However, when asked if being Caucasian was beneficial when dealing with the system Mike acknowledged that "Yes" (Tr.3, p.14) it likely resulted in his experience being easier, and that he doubted that his race had ever resulted in making his experience more difficult:

Has it [being White] made it more difficult now and then? Probably not (Tr.3, p.14).

Alex also disclosed that he felt he was probably treated better by legal professionals, who were typically Caucasian, because he was also Caucasian- one of few, as he indicated that in his experience he was often: "The only White person" (Tr.2, p.13). That these Caucasian males knew it was to their advantage to be White indicates that at some level they experience an awareness that persons belonging to other races or ethnicities are at a disadvantage when it comes to involvement with this system.

Socio-economic status. Though not asked outright to identify the socio-economic background in which they were raised, respondents' narratives indicated that most of them came from a low socio-economic background, which is the case for the majority of transient youth (Andreychuk & Fraser, 2007; Dalhousie University, 2006; Halifax Regional Municipality, 2005).

Mike identified that his social class influenced his experience with the system far more than his race or ethnicity. For instance, Mike explained that legal professionals make assumptions about youth's behaviours based on their socio-economic status:

It looks better on me than like, coming from a fully White family, and a good family... It's where your family comes from, are you in the ghetto on welfare? Or is your family working class? ...Uh, if you're from a working class family, they look at it as:

[Police]: "oh, this kid's just rebelling so you can get some attention."

And if you're someone from the ghetto, as it's:

[Police]: "oh, he don't give a fuck, he just wanted to do something (Tr.3, p.15).

It is important to note that Mike differentiates between a "ghetto" class and a "working class", which he clearly considers separate and distinct, despite that both of these groups could be said to belong to a low socio-economic group. 'Working class' refers to those who exchange labor for wages (Oxford University Press, 2014), and according to Marx and Engel's (1848) capitalist hierarchy this group would be considered to have a low socio-economic status because they sell their labor and do not own the means of production.

This narrative indicates Mike's belief that adults, especially police, make assumptions about youths' behaviour based on their socioeconomic background. Clearly Mike believes that police make more negative assumptions about youth from "the ghetto", because their behaviour does not have a good excuse, whereas the behaviour of the youth from the "working class" is explained away by the need for attention and is therefore more acceptable, a designation which could impact whether or not the youth in question is charged for their offense.

Given that this study surveyed a small number of participants, most of whom belonged to a very similar demographic background, it is not surprising that the results revealed very little about demographic differences such as race, ethnicity, or socio-economic status. Without the ability to compare those of different demographic backgrounds we are left only with the

impressions of a couple of participants that socio-economic status and, to a far lesser degree, race or ethnicity, have an impact on the experiences of transient youth involved in the youth criminal justice system.

Respectful professionals. On a much more positive note, several participants indicated that they developed positive relationships that were supportive in nature with individual legal professionals, including police, lawyers, and restorative justice workers. Two youth, in particular, identified that professionals who were the most supportive did not treat them as if they were criminals, but as if they were worthwhile persons who were deserving of respect. In the case of one respondent, Alex explained that he met many supportive police officers, and that those he encountered regularly would encourage him and provide much needed motivation:

[Police would] motivate me. Well, that they'd see in me that I'm not really a criminal, especially when I was... getting charged in the same city repetitively, and... every officer that knows me... they always say that this is not me (Tr. 2, p.1).

Occasionally, these supportive officers would provide Alex with a much needed meal or a drive to a nearby shelter. Another participant, Devon, spoke admiringly of a particular police officer with whom he interacted with regularly:

He definitely... did have an impact on my life, he was the only cop that... when I got in trouble, that actually like, helped me, and not, you know, just take me in, like a criminal or something (Tr. 1, p.1).

Devon also encountered a supportive Restorative Justice worker who treated him with respect:

She was... really helpful because I just didn't find that she was always nagging me, and you know, saying things that I didn't like, or just taking me as... someone who couldn't really amount to anything (Tr. 1, p.2).

This comment indicates that, in his experience with other criminal justice professionals, Devon did experience “nagging”, and was treated as if he “couldn't amount to anything”.

These findings are consistent with those of Peterson-Badali, Care, and Broeking (2007),

and Goodwin-De Faria and Marinos (2012) as discussed in the literature review, who discovered that youth are best served by, and more pleased with, professionals who treat them with respect.

3.7.2 The right to have adults consistently serve youths' best interests. The UNCRC states that children and youth have the right to have adults act in their best interests (United Nations General Assembly, 1990, Article 3). Several participants, as we have seen, indicated that they developed positive relationships that were supportive in nature with individual legal professionals, including police and restorative justice caseworkers who seemed to be serving their client's best interests. In particular, in the section above on 'respectful professionals', two youth in particular identified that professionals who were the most supportive did not treat them as if they were criminals, but as if they were worthwhile persons who were deserving of respect. These professionals appeared to be concerned with serving their client's best interests.

Other respondents made it clear that their experiences differed dramatically when legal professionals disrespected them, or did not seem concerned with the best interests of their clients. While acknowledging the need for lawyers to serve as a guide and representative, Mike described how the lawyer did not allow him to participate, did not appear to genuinely care about him, and did not appear to have his best interests in mind:

I had one lawyer that just said:
[Lawyer]: "sit down, shut up, this is what I'm gonna do, you have no choice, I'm the lawyer." [Lawyers are]...helpful in that I don't have to speak to the judge myself, but not helpful enough to actually give a damn what happens to me (Tr.3, p.8).

Mike went on to explain that, despite trying to replace his lawyer, he was unable to do so, which caused him to become extremely upset. When questioned further about this, Mike explained that his lawyer had been the only legal aid representative available in the small rural area in which he attended court, limiting his options for legal representation:

I tried to have him fired, but legal aid wouldn't let me fire him, he was apparently the only legal aid person they had stationed in (rural area) (Tr. 3, p.8).

It is concerning that youth's options for legal representation can be so limited in smaller rural areas. Such total dependence on legal professionals can result in the youth feeling powerless because they can do little to improve their situation when they feel mistreated or neglected by adults.

Not all legal professionals mistreat youth in this outright and clearly negative manner, but there are many more who simply come across as uncaring and unsupportive, creating a dynamic in which the ongoing mistreatment is less obvious to both professionals and youth. Devon, who developed a positive relationship with one restorative justice caseworker, explained that the other workers were not very supportive and he felt that they were not invested at all in helping him:

... all my other ones I found that they didn't do anything else but make my life kind of worse, in a way, because I'd be trying to do stuff and then... I think the only reason that they wanted me there was really just, you know, do their job and get paid whatever they get paid... I still felt like they just kind of, kind of just treated me whatever way they felt like (Tr.1, p.7).

Devon elaborated by explaining that he felt the restorative justice caseworkers made promises they did not keep:

'Cause there were a lot of things that they promised me, that they didn't keep (Tr.1, p.6)

He also said that it did not seem as if they were really on his side because they did not speak on his behalf:

I don't really think they're helpful either, and they got me into more trouble than I was already in... just by not putting in a good word (Tr.1, p.7).

In my experience as a youth worker, Devon's implication that professionals are only there for their income and that they care little about their clients and the best interests of their clients is a common complaint among transient youth.

Other youth made similar comments indicating that they did not feel as if the legal professionals were on their side, that they appeared uninterested in helping them, and that they made assumptions about the youth without first getting to know them. For instance, Mike said that his lawyer made assumptions about him without really taking the time to speak with him: “I’ve had a lawyer treat me as guilty without asking me first if I was” (Tr.3, p.7).

3.7.3 The right to receive adequate care. Despite the fact that the UNCRC outlines children and youths’ rights to receive adequate care and to maintain a particular standard of living, many young people across Canada are still experiencing homelessness (United Nations General Assembly, 1990, Articles 20, 21, 25, 27). As discussed in the section on reintegration and supportive networks, youth involved with this system receive some support from government and community organizations, but that support falls short of actually ensuring their rights to adequate housing.

Impact of homelessness on youths’ experiences with the system. Although transient youth experience many of the same difficulties faced by other youth involved with the Youth Criminal Justice System, their experience of homelessness adds to their disadvantage, making a bad situation even worse. When asked how being homeless affected his experience with the system Devon disclosed that dealing with both things at once was a great burden:

[It made it] Way worse, just because I had to deal with kinda two things instead of one, because I had to be, you know, homeless, and I had to be dealing with court... and then if I would get back on my feet, then I... have to be back in court situation, or back in jail, and then I’d get out jail and I wouldn’t have anywhere to go, or get out of court or wherever and wouldn’t have anywhere to go (Tr.1, p.10).

Mike believes that his involvement with this system was made more difficult due to his experience of homelessness because judges were more likely to incarcerate him as a solution to his situation:

... they see it as 'well, he's homeless anyways, let's send you to jail so you have somewhere to stay' (Tr.3, p.14).

This would be a clear violation of section 39 of the YCJA (S.C. 2002, c.1, s.39 (5)), which states that custodial sentences cannot be used in place of other social supports, such as issues with mental health, addictions, and housing. Whether his transient status actually factored into judges' decisions is unknowable. However, it is significant that Mike believes that the courts are utilizing custody as a substitution for adequate housing because it speaks to his perception of the system as a whole as unjust.

Lack of familial connections. Hanssen's (2008) study, though similar to this one, looked at the experiences of youth whose narratives appeared to indicate that, for the most part, they had positive familial connections. Most transient youth do not have these types of connections with family or other adults. It is interesting to note that Hanssen's (2008) participants were far more likely to report positive and meaningful experiences within the youth criminal justice system. Perhaps in some way these positive relationships served as a buffer, providing youth with much needed support, and eradicating certain barriers that transient youth appear to encounter as a result of their transient lifestyles.

The foremost reason that youth felt that their experience of homelessness impacted their experiences within the youth criminal justice system was that their lack of a stable address led to difficulties adhering to court conditions to abide by a curfew and to reside at a particular court mandated address. Joseph claimed that being homeless made his involvement with this system more difficult:

I had a curfew, where the hell am I gonna go at 9pm? Sure, at the shelter for another couple weeks, after that, where else am I gonna go? I'm gonna have to call them up and tell them I have a new address or something, 'cause if they come and check on me and I'm not at the shelter, they're gonna wanna know where the hell I'm at (Tr.4, p.18).

Here Joseph is referring to the fact that youth can be breached if they are not in their mandated residence during a specific time period. This requirement is particularly troublesome for transient youth who move constantly between family, friends, and shelters. Their inability to maintain a stable address should not factor into their conditions as it discriminates between those with a home and those without, yet no alternatives are in place for transient youth trying to adhere to their conditions. This failure to adapt to the distinct needs of a diverse population points to an inherent weakness in the system, especially given the direction provided in the declaration of principle which specifies the need to pay attention to aspects of difference (S.C. 2002, c.1, s.3).

Additional barriers related to homelessness. Many participants indicated that they encountered a number of additional barriers preventing or hindering their full participation in the legal process that were closely related to their experience of homelessness and poverty.

Time requirements. Several participants mentioned that their involvement with this system is complicated by the time requirements, which they believe are excessive, and which takes away from the time they can allot to finding housing or being employed. Devon was one among several participants to describe their experience as long and needlessly drawn out:

They don't need to keep putting it off, you know, court date after court date, like, I went through, probably six or seven times my court date, before it all got resolved, and it was scattered out through a lot of months (Tr.1, p.8).

Devon also claimed that he believed the time spent in court and with restorative justice could have been better spent working or looking for a job:

I didn't have a job for a long time, I had to quit my job when I got charged... Because I had to do so much running back and forth to court and jail

that I couldn't even keep a job. I had this job one time where I had to go on a random day, and that could be the day you're working. I coulda been out having a job earlier than I already have one now, but still, it took me a long time to go get the job that I have now and I could of just been working on that way, you know, way back in my life, when I think that it wasted a lot of my time (Tr.1, p.9, 11).

Travel requirements. Transient youth, are by definition, transient. They move around a great deal, even moving from town to town, or to different provinces. Joseph brought up the matter of travel, explaining that if an offense is committed in a certain jurisdiction the offender typically has to attend court in that jurisdiction. This is especially difficult for transient youth who have no transportation of their own, whose families are often unable to provide a ride or funds, and who have no funds of their own to secure a ride to and from that area.

Establishing and maintaining contact. Another issue that arises for transient youth who become involved with this system is that courts and other institutions are rarely able to maintain contact with them on a regular basis. Many transient youth are likely to switch addresses and telephone contacts regularly, often neglecting to update institutions such as the court given their transient nature and likelihood that the information will change again soon. Cellular phone contacts also change rapidly, as these devices are regularly lost, broken, sold, or stolen. Other youth cannot afford cell phones, and depend upon shelters or drop-in centres to take telephone messages on their behalf, despite not having consistent contact with these organizations.

Given the inability of the system to maintain contact with transient youth, these young people often do not receive notifications of court dates, fines, restorative justice appointments, and additional information. As a result, they may later discover they missed a court date, neglected to pay a fine, or missed an appointment, which can have serious repercussions such as warrants for their arrest, increased fines, and missed opportunities to participate in programs such as restorative justice. Joseph described how he was unable to attend restorative justice

because he never received information indicating his appointment time, therefore instead of having the opportunity to complete the program he was charged outright:

... my Mom doesn't have a house phone, so they couldn't contact me, I couldn't contact them, so I ended up having to go to court... the only piece of mail that I got from restorative justice was the one when I first started up... a police officer came to my house and told me:
[Police]: "oh your file with restorative justice has been closed up"... And then gave me a court date (Tr.4, p.15).

Such matters as time, money, and contact methods likely do not present the same barriers to housed youth, but for transient youth these barriers can be insurmountable, leading to deeper involvement with the youth criminal justice system, which can in turn contribute to their homeless situation. This is a vicious cycle that no one in the system has thought to address and, perhaps, if society cared for youth as they should, homelessness would not have such a significant impact on youths' involvement with the system.

3.7.4 The right to participate and to be heard. That youth have the right to participate in the justice process and to voice their opinions appears to be a method of allowing young people some degree of power and agency within social systems (United Nations General Assembly, 1990, articles 12, 40). However, critical pedagogy states that the oppressed and marginalized within unequal societies often do not perceive their agency, as it is in the interests of those in power to ensure that they continue to submerge the former's consciousness in an oppressive situation (Freire, 1970).

In this regard, the data that I have collected reveals that transient male youth involved in the Youth Criminal Justice System have quite varied perceptions of their own power and agency when it comes to their involvement with this system. It appears that some youth consider themselves to have little power, and despite their frustrations with this fact, they appear resigned that this is simply how the system works. Other youth are not so resigned, devising alternate

ways of taking back their power. And still others accept that they have limited power because of the way the system is designed, but are grateful for the small amount of power and agency they are able to exert within the strict confines of the system.

Having a voice. An inclusive youth justice practice provides youth with the opportunity to participate fully in the justice process, even to the degree that they help develop and conduct the justice process (Bell, 2012; YCJA, S.C. 2002, c.1, s.3). In this study, no one reported participation to this high degree, however a few respondents noted that, in some instances, they were given the opportunity to participate in the justice process to varying degrees. Richard explained that he chose to represent himself in court rather than be represented by a legal aid lawyer:

I had my option if I wanted a lawyer or not... I just went up, told them what happened, and went from there (Tr.5, p.2)

Alex spoke about how he was sometimes able to relocate to a different youth justice facility in order to attend a particular program that he felt would be a better fit for him:

... you can ask for transfers out of the facility to go somewhere else, because that program may be better for you (Tr.2, p.5).

This particular youth justice facility was located in another province, and it is important to note that in provinces which are more rural there are far fewer youth justice facilities, thus limiting the type of mobility discussed in this situation.

Most respondents reported that they were given little opportunity for active participation in the youth criminal justice process. For instance, Joseph claimed that he was never given the opportunity to meet with a lawyer prior to seeing them in court:

I've never met with my lawyer. She just shows up at the court date. Like I don't even know what the hell people are always going on about, "I gotta meet my lawyer for this and that", I've never had to meet with my lawyer (Tr.4, p.5).

That Joseph did not have the opportunity to meet with his lawyer before court is concerning given that he would have had little or no opportunity to discuss his case with the lawyer, to express his concerns, ask questions, or get any legal advice about matters which he did not understand.

As discussed earlier in section 3.7.2, describing how adults often do not serve youths' best interests, Mike also referred to an experience with his lawyer, explaining that the lawyer did not give him any options and would hardly allow him to speak, saying: "sit down, shut up, this is what I'm gonna do, you have no choice, I'm the lawyer" (Tr.3, p.8). Mike did, however, indicate that with every other lawyer he always felt he had more power: "I always had a choice with other lawyers" (Tr.3, p.8). In addition to showing that sometimes youth are denied decision making capability and participation in the youth justice process, Mike's comments also lend more weight to the earlier discussion of how legal professionals' treatment of youth seems to be contingent on the whims and personal temperament of individual professionals, rather than to a systemic focus on respecting the rights and dignity of youth.

Sense of powerlessness. Several participants expressed feeling as if they had little control and few options when asked about their ability to make decisions or voice their opinions during their involvement with the system. Devon insisted that during the court process he "didn't have any say, no say at all" (Tr.1, p.6), and that when he was presented with options his choices were extremely limited. Richard similarly explained that his Restorative Justice worker told him what to do in regards to entering a plea in court:

The restorative justice worker decided what we were doing for court, basically just told me 'plead guilty' (Tr.5, p.4).

When asked if he could have done otherwise, Richard said that he could have made a different choice, but that he "didn't feel like dragging it on longer than what [I] needed to (Tr.5, p.4)."

This comment tells us that Richard felt that he had few options, and that the best way to end the process in as short amount of time as possible was to assume a passive role.

When asked if he had been allowed to request an explanation about the justice process and legal terms, Joseph indicated that was not sure whether he could speak up, and clearly he was uncomfortable doing so: “I don't know, I've never actually said anything” (Tr.4, p.4). Clearly these youth felt powerless, staying silent instead of pursuing information, perhaps because they realize that by contributing they may not gain anything for their efforts and would be extending a process they had wanted to finish as soon as possible.

These narratives make it apparent that the respondents experienced feelings of powerlessness in relation to criminal justice professionals and processes. The system disempowered these youth by making them feel as if they were not truly a part of the process, that their opinions and questions were irrelevant, and that, as a result, they were better off taking a passive role.

Dependence on professionals. The transient male youth in this study appear to perceive their relationships with legal professionals as predominantly one-sided, in which the adult is the one with the knowledge and ability, as well as the legal right, to exercise power.

Several participants admitted to being largely ignorant about the Youth Criminal Justice System, and they also communicated that the legal professionals who have power over them possess necessary knowledge of the intricate workings of the system and that their dependence on these professionals in matters of navigating the system left them feeling powerless. When asked about whether he had any choice in court matters Alex responded by saying:

Yes and no. Uh, because lawyers obviously know what's going on with cops, and court, and whatnot (Tr.2, p.6).

This statement indicates that Alex is aware that a lawyer's role is to serve as a kind of 'gateway' or 'guide' when assisting youth to navigate the criminal justice process. Devon also confirmed that lawyers are essential to the legal process:

...you gotta have a lawyer to get out of anything. Without a lawyer you're pretty much going to jail (Tr.1, p.12).

It appears that these youth feel quite powerless compared to legal professionals, a finding echoing that of the study performed by Goodwin-De Faria and Marinos (2012), and feel that it is best to let the knowledgeable parties lead the way.

Lack of comprehension. For many of these youth, it appears that their participation in the process, as well as their ability to invoke their rights, was limited due to a lack of both proper information and full comprehension. It is the responsibility of the legal professionals guiding these youth through the system to ensure that the youth are fully informed and that they understand what is going on. It is likely that lacking the proper information, and feeling confused about aspects of the system, contributed to their feeling that only the experts have power in these situations. Joseph's comments indicate that he had trouble understanding what is going on in court due to the use of legal jargon used by professionals, a difficulty that he mentioned again and again:

Well, I don't really understand any of their little 'justice talk' or whatever... I'm pretty much clueless the whole time... Well they use all these fancy criminal friggen justice words and stuff. What the hell? I'm paying no attention to that stuff. I don't sit on the cop radios and listen to what's going on, know what all the words mean (Tr.4, p.4).

Mike also indicated that legal professionals used terms when speaking to him that they did not explain:

... they basically just said 'you're next date is this, it's preliminary', whatever that means, they won't tell me what that means (Tr.3, p.5).

Mike did, however, claim that he understood the system and what was going on, for the most part, because he had learned from his peers who had experience within the system and then from his own experiences:

I know the system through and through... By being in the system...By me being around people that were through the system (Tr. 3, p.5).

So, in this case, Mike clearly felt that his understanding had come mostly from his experience and that of his peers, as opposed to the legal professionals whose duty it was to ensure his comprehension.

Another participant, Richard, described how he was required to make decisions about legal matters that would have a major impact on his life, despite not having adequate information upon which to base his choice. When presented with the option to either accept a charge or attend restorative justice, Richard chose to attend the program, but he had reservations about doing so because he did not know what to expect, having only heard negative reviews from his peers. Thus, he was required to make a choice based on very little knowledge of the alternative he was being offered:

... they gave me the option of being charged or restorative justice, so I chose restorative justice and I heard all kinds of things about that that made me not want to go... I had a couple friends that when they had to go once a week, every week, to a meeting for like three or four hours. And apparently it's pretty boring. I was just like "I can't do that"... I was gonna go, and if I didn't like it I just gonna leave (Tr.5, p.5).

Youths' methods of taking back their power. It appears that some transient youth, denied agency within the justice process, have figured out how to take back a measure of power through methods such as manipulation and aggression.

Manipulation. Mike made it clear that he is experienced at manipulating the system to serve his own ends. He described a situation in which his refusal to accept certain conditions, in

particular an early curfew, led to the judge giving in and dropping the curfew. When asked if he had any control over what happened in court he responded:

I'm not supposed to [have a choice], but I figured out a way to do it... Uh, one time they said...

[Judge]: "well we're gonna put you on a six o'clock curfew for probation, keep the peace, not be carrying any weapons."

I said [Mike]: "just send me to jail."

[Judge]: "We can't, it's full."

[Mike]: "Oh well, I guess you can't put me on that, 'cause you can only hold me... for a max of six days between... two police stations. [The youth facility] is full for the next thirty days, and I'm not signing that... Send me to jail, I'm not signing it. Give me no curfew and I'll sign it right now... and he put me out without any curfew... I screwed them into having to give me a choice (Tr.3, p.9).

Mike's comment, that he was not "supposed to" have any control indicates that he perceives the system as the domain of adults, particularly professionals, wherein he is expected to remain inactive.

Mike also explained how he could manipulate the system in order to avoid spending the summer in a youth justice facility:

I knew for my last assault charge that I was gonna get time, so I called my lawyer and said I'm trapped out in [name of town], I can't make it, so they delayed it thirty days, I figured I was gonna get three months, so I waited 'til I had the rest of my summer, and I get locked up for winter (Tr.3, p.5).

Aggression. The use of aggression appears to be another method of manipulating the system when youth find that they have little power. Mike demonstrated several times that if things do not go his way he results to aggressive acts in an attempt to change the outcome of the situation. For instance, during a stint in a youth justice facility, he wished to be placed in lockdown for some personal time and his request was denied; therefore he acted out, knowing that he would likely be placed in lockdown as a result:

I'd rather stay in lockdown by myself. So, I look at them and go:

[Mike]: "can you put in twenty-four hour lockdown?"

They go [Guards]: "no",

[Mike]: “well, what happens if I do this, you gonna put me in twenty-four hour lockdown? Oh, well either this can happen or you can walk me over there now.”
 They go [Guards]: “we can't do that.”
 So I chuck a chair across the Ward and go: “how about now?”
 They go [Guards]: “oh, okay, off to lockdown we go, you'll regret it in two hours.” I sit there and read (Tr.3, p.10).

It appears that Mike has learned that these sort of behaviours can be an effective tool to manoeuvre his way through the system in a way that suits his preferences. My experience working with youth has shown me that manipulation and aggression are common tools used by youth who feel powerless, in that they have no other options, as well as by those who have not developed more constructive problem solving skills.

3.7.5 Knowing and exercising their rights. The UNCRC states that all children and youth have the right to be made aware of their rights (United Nations General Assembly, 1990, article 42), however evidence indicates that in many instances children and youth are often only vaguely aware of their rights (Goodwin-De Faria & Marinos, 2012). In this study, one participant claimed to know and understand his rights, but when it came to explaining what these rights entailed he cited only the Miranda rights, as told to him by the police, and confused the meanings of ‘privileges’ versus ‘rights’. Alex claimed that “when you're in custody you still have a ton of rights” (Tr.2, p.5) and that:

... as long as you follow your rights and responsibilities... [the system is] not hard to [maneuver] (Tr.2, p.6).

When asked how he knew what his rights were he responded that he had “been read [his Miranda] rights like a thousand times” (Tr.2, p.6). However, when describing these rights Alex gave the following examples:

... like going to work out, or going to the movies, or going out for a walk... you can ask for transfers out of the facility to go somewhere else, because that program may be better for you” (Tr.2, p.5).

Despite his assurance that he was fully aware of his rights, Alex mostly described things which those in authority allowed him to do, which are defined as privileges. Rights signify one's ability to exercise agency and choice. Alex may have exercised his agency and choice when researching and selecting the program he felt would be in his best interests, however, that he lists all these aspects together seems to indicate that he has somewhat confused rights with privileges. Feld (2000) explains that this confusion about 'rights' and 'privileges' is a common misconception among youth. It appears that these findings mimic those of Goodwin-De Faria and Marinos (2012) in that the respondents are only vaguely aware of their rights, which leaves them vulnerable to having their rights violated or ignored. The YJCA is not protecting and informing youth, with respect to their rights, as mandated by the U.N. Convention on the Rights of the Child, or these youth would be better informed and more empowered to take part in the justice process.

3.8 Summary

The narratives provided by transient male youth in Halifax, Nova Scotia, at Phoenix Centre for Youth have revealed that these youth have diverse opinions concerning the purpose and effectiveness behind the Canadian Youth Criminal Justice System. Opinions ranged widely on some aspects, and on others the participants tended to agree. One youth claimed that the system is necessary, reasonable, and helpful. Another that it is unreasonable and overly strict. Yet another stated his belief that the system is completely ineffective, not nearly strict enough, and that it is extremely detrimental to young people's mental health. Despite the differences apparent in these narratives, each respondents indicated that they had encountered certain aspects of the system that impacted them in an oppressive manner, whether or not they could identify having experienced oppression.

It also appears that the system is not upholding the YCJA's key principles in regards to their practices with, and their treatment of, this population, nor is it following the spirit or letter of the Articles of the United Nations Convention on the Rights of the Child. The YCJA was supposed to alter the system in a manner that would address key issues by refocusing its attention on specific areas of need, such as assigning meaningful consequences, addressing the underlying issues of youth offending, and providing supports for youth that will rehabilitate them and ease their reintegration back into their communities. In reality, the system only goes so far in addressing these matters, and then stops, never going quite far enough to make a real difference in the lives of vulnerable youth. Not only has the evidence revealed that this system is failing to uphold its promise to be more youth-focused, it also indicates this through respondent's experiences that their rights are being violated. Some appear to recognize these violations and feel powerless to take action, while others put up a struggle only to discover just how powerless they truly are; yet others appear to be unaware of their rights and accept their treatment and experiences as commonplace.

Chapter 4: Discussion

In the following section I will explore, with reference to the results of the study, and through the lens of a critical pedagogical perspective, how the youth justice system has impacted, and continues to impact the transient male youth who participated in this study. A critical discussion of how this system disempowers transient male youth may reveal much about the system itself and how aspects of it are working to undermine the principles set forth in the UNCRC and the YCJA.

4.1 Explicit versus Implicit Aims of the Youth Criminal Justice System

The evidence from this study seems indicate how there is a major divide between the explicit aims of the Youth Criminal Justice System - what it openly states as its principles and goals - and its implicit aims, the unstated underlying principles and goals under which it operates. As I have reported in the literature review and the results section, the present youth justice legislation, the YCJA, has explicitly declared several key principles, including rehabilitation and reintegration, providing meaningful consequences, and addressing underlying causes of youth offending. What I have not discussed, until this moment, are the implicit aims of the youth justice system: the covert goals behind the system that remain fairly consistent, despite the ever-changing nature of the more overt youth justice principles.

4.1.1 Historical Basis. The implicit aim described above of the youth justice system is the historical aim of social class control on which this system was originally founded, as discussed by Liazos (1974) in the literature review. Liazos' (1974) argues that the constant reforms of the juvenile justice system in the U.S have failed, and will continue to do so, because the underlying (implicit) goal of class control remains the same:

... it has never been the intent of any of these programs to change the conditions that consign poor and working class youths to menial, dead-end jobs

and condemn to the juvenile justice system those who refuse to (or cannot) fit into this mold. All the programs through the years have aimed at control and discipline of the poorer classes; they have tried to resocialize the boys and girls of the poor, working class, and minority groups so they would accept the place capitalism (in its various forms) chose for them (Liazos, 1974).

In a similar fashion, the youth justice system in Canada continues to operate in the capitalist manner described by Liazos (1974). This is evident given significant parallels between the system he describes and the current Canadian youth criminal justice system.

Firstly, there is the media's portrayal of youth, and particularly young offenders, as dangerous and immoral (Bell, 2012; Giroux, 2003; 2012), as well as the call for tougher approaches to youth crime which led to changes in the YCJA (Bill C-10, 2012). These are reminiscent of the historic fear recalled by Liazos' quotations, in which the powerful feared that the violent and destructive nature of young persons would be directed towards them and their property.

Secondly, there is also the ongoing reform of the system based on new and improved methods. Instead of approaching youth crime and rehabilitation from a new direction, the system continues to tweak its various components, in efforts to meet the directives of the UN Convention on the Rights of the Child, while fundamentally continuing to serve the social imperatives of punishment and social control.

It is my belief that the original goals of the youth criminal justice system still impact its operation today because the social institution itself, developed and maintained by those who hold political and economic power, continues to operate in much the same way at its core, despite the seemingly progressive reoccurring alterations to legislation.

Freire (1970) described principles in his *Pedagogy of the Oppressed* that, applied to this situation, illustrate why the YJCA has been ineffective in truly reforming the youth criminal

justice system. He claimed that, in order to truly liberate those who are marginalized, it is necessary to dispose of the dominant ideologies and take into account the perspectives and meaningful participation of the marginalized persons. Continuing to adhere to the dominant ideologies while proposing reform will lead to a contradiction between the original methods or practices (implicit goals) and the newly formed objectives (explicit goals). In speaking of the tendency of the ruling elites to impose their view of realities on others, Freire said:

By imposing their word on others, they falsify that word and establish a contradiction between their methods and objectives. If they are truly committed to liberation, their action and reflection cannot proceed without the action and reflection of others (Freire, 1970, p.126)

In the case of the Canadian Youth Justice System, despite some new and improved objectives, the fundamental core imperative of social control remains the same and continues to work in a way that is oppressive and leads to disempowerment of marginalized youth. Throughout the remainder of the discussion I intend to demonstrate that the explicit youth-focused principles and practices brought to us by the advent of the YCJA are being undermined by such underlying implicit aims, and are precisely the reason that this system impacts transient male youth in a manner that contributes to their marginalization,

4.2 Little Relevance

The YCJA is supposed to hold meaning for the youth under its governance because, if it does not mean anything to them, it cannot hope to govern their behaviour or to make positive changes in their lives. Freire (1970) described the importance of meaning-making by the marginalized as one requirement for liberation by stating how change can only come from true dialogue and from the co-creation of knowledge between teacher and pupil. The very fact that the YCJA declaration of principle (S.C. 2002, c.1, s.3) mentions the need to ensure that consequences are “meaningful to the young person” (Government of Canada, 2013, p.1)

demonstrates that those developing this legislation recognize the importance of meaningfulness for youth and making sure that the system is relevant to the lives of young people.

My argument that the current youth criminal justice system has, at its core, conflicting principles regarding its governance of youth is particularly pertinent to the question of meaning. If the system was truly operating according to youth-focused principles concerned with helping young offenders, one would expect the youth involved with this system to report that the system does in fact hold meaning for them. However, for the most part, the male transient youth who participated in this study found little meaning in the youth justice system. Some considered it lax, others considered it punitive and harmful, but mostly it was called 'ineffective'.

This reality is echoed in Giroux's (1996) comment that young people "often find themselves being educated and regulated within institutions that have little relevance for their lives" (p.13). This tells us that the youth criminal justice system's apparent lack of meaning for youth is not indicative of a unique experience. Giroux is pointing out that under Neoliberalism, the societal institutions with which youth become involved regularly lack meaning for this population. Despite the youth criminal justice system's mandate to support young people in a meaningful manner, like other neoliberal institutions, it is actually driven by interests that are at odds with the interests of those whom it is designed to regulate.

4.3 Acceptance and Resignation

Oppressive institutions have a debilitating effect on those persons whom they work to marginalize. Freire (1970), in his *Pedagogy of the Oppressed*, describes how people belonging to subordinate groups become submerged in the reality of oppression, in that they internalize the dominant ideologies. Instead of thinking for themselves and developing their own perspectives and ideas, marginalized individuals are conditioned to accept the perspectives and ideas

permeated by economic, political, and societal institutions of the ruling class. They also develop a fatalism about this reality in which they are submerged, thinking that it is unalterable, it is simply the way it is and nothing can be done to change this fact. Freire (1970) claims that this is the goal of the oppressors because their interests are best served by complete and unquestioning adherence to this carefully constructed reality:

... this concept is well suited to the purposes of the oppressors, whose tranquility rests on how well people fit the world the oppressors have created, and how little they question it (p. 76).

Alex's narrative concerning his acceptance of the youth justice system demonstrates Freire's depiction of the mind-frame of those who are marginalized the most clearly. Alex claims to understand and tolerate the many delays, remands, and numerous court dates. He claims that the system is reasonable, and that it is a necessary tool used by society to control young people's behaviour. In saying this, Alex is also stating that young people need to be controlled.

Similarly, Giroux, in an interview concerning his book *Youth in Revolt: Reclaiming a Democratic Future*, describes how young people today are taught to accept the world as it is without question, especially in regards to the invasive procedures put in place to monitor and control young people:

You have a generation of young people who are being taught that to be watched, to have their privacy invaded in such an overwhelming way, to be viewed as a generation... that is untrustworthy, that has to be watched, becomes coded into a logic for them that increasingly... it produces some young people who buy into this logic, and young people who resist, but more probably that don't then do, so you really have a culture of conformity emerging among many young people... that are taught to surrender their capacity for critical engagement, for civic engagement (Langille & Giroux, 2014).

When asked what he thinks of the system, and of why it is the way it is, Alex shrugs, he deflects:

I don't really have any opinions about that... I mean, you're the adult (Tr. 2, p.11).

His deference to me, the researcher, the only adult in the room, clearly demonstrates that he has learned his lesson well: don't think, just accept. Youths' feelings of powerlessness, as discussed in the results, also indicate this type of mindset. Both Freire (1970), and Giroux (Langille & Giroux, 2014) would say that these youth are experiencing the kind of resignation typical of marginalized persons who, feeling powerless, conclude that it is simply the way things are done and that nothing can be done to change it, so one might as well go along with it. In doing this they surrender their ability to choose to be subjects and to be fully informed.

As seen in sections 3.2 and 3.5, Alex admits that he has experienced many issues finding both housing and employment due to his involvement with the system. His comments about the support he received revealed that it often fell short of actually helping him to achieve his goals. However, these contradictions, which point out the failure of the youth justice system to uphold the principles set forth by its own legislation, do not seem to alter his perspective. He is too far gone, too deeply submerged, too effectively oppressed to think for himself and to question why the system does not do that which it has promised. Freire (1970) explains this state of mind by comparing it to domestication of the oppressed by the powerful, and he states that it prevents people from achieving liberation due to their complete submersion in the false reality:

... one of the gravest obstacles to the achievement of liberation is that oppressive reality absorbs those within it and thereby acts to submerge human beings' consciousness". Functionally, oppressing is domesticating (p.51).

Alex's example provides a clear indication that the system says one thing and does another. The system portrays itself as an institution that is refocusing its efforts to help youth and to champion their interests, rather than to punish and control them, in an effort to serve the dominant groups by maintaining the status-quo. However, in reality, these youth report that it does very little in the way of actually helping them.

4.4 Powerlessness

In their narratives, transient youth described how they felt powerless in comparison to legal professionals, and how, as a result, they passively observed the justice process without taking part. Some respondents claimed that they had been offered choices and they had been capable of making some decisions within the youth justice process, albeit within strictly limited options.

These coercive power relations and closely controlled participation seems suspiciously to follow the assumptions and practices of the banking education described by Freire (1970) in his book *Pedagogy of the Oppressed*. Banking education is based upon the promotion of the assumption that experts or professionals in dominant classes or socio-economic groups have valid knowledge while those belonging to lower socio-economic groups or lower social classes know nothing. In his article *Childhood, Agency and Youth Justice*, Smith (2009) explains that dominant ideologies in North American society have created this same type of division between adults and young people that clearly construes young persons as powerless and their perspectives as unimportant.

As discussed in section 3.2, the respondents revealed a tendency for youth to accept the power imbalance between themselves and legal professionals because these adults, particularly lawyers, are viewed as the experts. This also corresponds to Gaventa's (1993) discussion of how oppressed persons have a "naïve faith in the expert" (p.32) leading them to depend completely upon these experts due to the societal practice of considering those with knowledge, the expert, as more valuable than the non-expert whose perspective is often ignored. Freire's (1970) work also explains that this banking education perspective takes away agency and autonomy from the persons in the lesser group, thus making them subject to the authority of these professionals.

Comparably, transient youth are subject to the authority of legal professionals, and it appears that their perspectives hold no importance, and their choices are often limited or eliminated altogether given the imbalanced power dynamic existing between youth and adult, professional and non-professional. This power imbalance works to completely silence the perspectives of transient male youth.

Freire (1970) describes that this silence is enforced when those from dominant groups treat their subordinate counterparts as if they were objects, rather than as subjects in their own right. Many legal professionals, as we have seen, have a tendency to neglect youths' rights to fair treatment, respect, and agency, treating them instead as if they are of little worth, and hence, less of a person. On the other hand, some respondent's narratives also reveal that professionals who take it upon themselves to treat youth with dignity and respect can cut across the inherent power dynamics to create a relationship that is less likely to strip the youth of their power, agency, and self-worth. Goodwin-De Faria & Marinos (2012) also concluded that in order to enable youth to effectively exercise their rights legal professionals must treat them with respect, because otherwise youth are inhibited by the imbalance of power.

Freire (1960) identifies this practice of granting dignity, respect, and listening to others as the foundational element for "dialogue", a conversation between persons who have mutual respect for one another and who are working to understand each other's viewpoints. Engaging in a dialogue creates power because it assumes that each individual is the expert on their own experience, and that their viewpoint and input are worthwhile. However, neoliberal institutions such as the youth criminal justice system do not reward dialogue, voice, power and choice, working instead to force individuals to become passive recipients rather than active participants.

The power imbalance experienced by these transient youth is pervasive, it is built into how the system operates. Despite the YCJA's legislative leanings towards a more youth-focused approach that upholds the interests and the rights of youth, the system continues to contribute to their marginalization, because the entire institution was originally created to serve the interests of a Neoliberal capitalist order. The practices of this system that disempower youth and strip them of their dignity, agency, and autonomy, are based upon these implicit oppressive principles which conflict with, and ultimately override the more youth-focused legislative aims. This conflict is perhaps why these youths' narratives reveal some evidence of youth-focused practices, yet why they continue to report practices that conversely contribute to their marginalization. The intent of the present legislation may be to help and support young people who become involved with this system, but the existing structure on which it is based severely limits its ability to do this, because it was designed to do the opposite.

If one concedes that the youth justice system operates in the manner described above, as indicated by evidence in this study, it follows that transient male youth cannot contribute to the process in any true or meaningful way, despite the YCJA's commitment to engaging youth in the justice process. This is further evidence that the system's proposed principles are undermined by the underlying capitalist principles at its core.

Rebellion. As described in the results section, some youth, feeling powerless, felt that they could seize some measure of power by acting out through manipulation and aggression. There are elements of critical pedagogy that explain why this is happening. Freire (1970) asserted that youth who grow up in an atmosphere of marginalization, and who do not have the opportunity to participate in true liberation, can either experience feelings of indifference, as we have already seen in youths' narratives, or they can resort to a destructive form of rebellion:

If children reared in an atmosphere of lovelessness and oppression, children whose potency has been frustrated, do not manage during their youth to take the path of authentic rebellion, they will either drift into total indifference, alienated from reality by the authorities and the myths the latter have used to “shape” them; or they may engage in forms of destructive action (Freire, 1970, p.155).

Freire (1970) also stated that through their rebellion youth are rejecting the dominant ideologies:

... [youth] increasingly oppose forms of action which minimize their expressiveness and hinder their self-affirmation... Young people in their rebellion are denouncing and condemning the unjust model of a society of domination (p.154 footnote).

While Freire was writing about the youth who were living under a political dictatorship, Giroux (1996; 2003; 2012) too has made a similar case describing the state of present-day youth and their inevitable rebellion against neoliberal values. According to Giroux (1996, 2003, 2012), these values place the interests of the corporations and the wealthy classes ahead of the interests of youth, especially the poor and disenfranchised youth.

So, when Mike took matters into his own hands and acted out he was rejecting the passive role that the criminal justice professionals had cast for him, exerting control where and how he could, in order to suit his own interests. Clearly he felt powerless to participate in the criminal justice process, therefore he resorted to destructive behaviours that cast him in a more powerful role and which appeared to restore to him some measure of control.

4.5 Marginalization

Contributing to underlying issues. As demonstrated in the results section, according to respondent’s narratives, many youth justice practices are not only failing to uphold the YCJA objectives of rehabilitation, reintegration, and addressing underlying issues, they are actually contributing to the marginalization of these transient youth by worsening their circumstances, as well as by trying to convince them that the system is looking after their interests. Issues such as

homelessness, poverty, and mental health disorders are negatively affected by these youths' involvement with the youth justice system because this system is not sufficiently supporting them to overcome or improve these aspects of their lives, (even though it promises to do so).

This situation parallels Freire's description of how the oppressor works to weaken the oppressed even further:

It is in the interest of the oppressor to weaken the oppressed still further, to isolate them, to create and deepen rifts among them. This is done by varied means, from the repressive methods of the government bureaucracy to the forms of cultural action with which they manipulate the people by giving them the impression that they are being helped (p.141).

Transient youth involved with the youth criminal justice system report experiencing the worsening of their individual problems, such as unemployment or mental health issues, which serves to isolate them further from society and from one another. One can hardly focus on the injustices in the system if they must cope with such major issues such as homelessness or mental health disorders.

Exclusion from society. The principle of reintegration in the YCJA is further undermined by the youth criminal justice system's exclusionary practices. As demonstrated by the narratives of transient male youth, certain practices in the youth justice system act in an exclusionary manner by separating these youth from society both physically and mentally, or through a failure to successfully integrate them by providing insufficient support to ensure their success within society in terms of employment and housing. Despite declaring its intent to reintegrate young offenders back into society the system actually works in a way that separates them even further, creating barriers that are very difficult for them to overcome.

The practice of creating a myth about success and acceptance into society is not new. McLaren (2003) refers to the promotion of the "myth of individual achievement" (p.77) when

discussing education and the hegemony surrounding it. This notion encompasses the idea that schools in capitalist North America champion the ideas to students that school success will result in future success out of school and to an elevation in social class, despite socioeconomic background, race, or ethnicity. McLaren's (1986) own study, which he detailed in *Schooling as a Ritual Performance* exploded this myth by illustrating how his target school had the dual imperatives of reproducing an ethnic working-class and a population of Catholic docile students. What McLaren argued was that his target school was not only ineffective in lifting his students out of their working-class position, but that they actively contributed to this process of reproducing a working-class, through rituals and practices which served to produced docile, ineffective independent thinkers. At the same time, the school maintained the myth that individual achievement would liberate these students. Those young people who were not able to succeed within this school blamed themselves, rather than their educational institution, for their own failure. Freire (1970) also describes the need for oppressors to perpetrate such myths of success and equality in order to maintain the existing social order:

It is necessary for the oppressors to approach the people in order, via subjugation, to keep them passive. This approximation does not involve being with the people, or require true communication. It is accomplished by the oppressors' depositing myths indispensable to the preservation of the status quo (p.139).

Thus the social, economic, and political structures in neoliberal societies actually work in a way that perpetrates oppression, re-creating the situations and circumstances experienced by the oppressed, so that they remain right where they are; yet, it has them believing that there is always a chance that they can improve upon their conditions if they continue to succeed within that particular structure. The myth, in this instance, is that the youth criminal justice system is in

place to help to reintegrate youth, when the reality is that it serves a deeper purpose protecting dominant groups by removing troublesome and dangerous youth from society altogether.

Another part of this myth, that some youth have accepted, is that they need this form of punishment and that the youth criminal justice system has the right and the authority to impose its decrees upon them. Recall how Devon (Tr.1, p.11) and Alex (Tr.2, p. 12) both expressed their belief that the system acts as a necessary restraint on youth behaviour, or Mike's suggestion that the system is meant to teach youth a lesson (Tr.3, p.16). These beliefs reveal how these youth have accepted the authority of this institution to govern and correct their behaviours.

The YCJA further permeates a myth that youth involved with the justice system will be reintegrated into society through its inclusive practices. This means that they will become a full member of that society with all the things they have come to expect, namely: a home, a job, and economic success. However, as we have seen, the experiences of transient male youth in this study appear to indicate that the very practices that propose to achieve this act in a manner that contribute to their continued exclusion, and potentially extend their exclusion even further.

It is unlikely that critical pedagogical theorists would take these new legislative reforms at face value. Giroux indicated, in his interview with Langille, that he believes that Canada is becoming a more carceral, or punitive, state which tends to criminalize social issues and neglect their responsibilities to marginalized groups:

... what we have is a state that's become more aggressive in turning its back on the obligations it might have to the public... resorts more and more to basically criminalizing... the social problems, you criminalize homelessness, you criminalize poverty... those elements of the population that are outside of the logic of the consumers ethic, or are seen as racially 'Other' now become disposable, and in the midst of all that you see a police presence and the emergence of a carceral state (Langille & Giroux, 2014).

Critical pedagogical theory points out the reality of a society that is interested mainly in perpetuating itself and its existing institutions. Thus, if one accepts Giroux's vision, one can see how our institutions are very unlikely to actually commit to legislative reforms that propose helping those who are marginalized. They are far more likely to say what the progressive public wants to hear, while continuing to practice in a manner that maintains the existing status-quo.

4.6 Conclusion

The YCJA may have improved upon the objectives of the Canadian youth justice legislation, making it appear as if it will usher in a more youth-focused era of youth justice. However, the fact that their methods appear to have remained the same ultimately means that the system will continue to impact youth in an oppressive manner. In other words, the core aim of this system was designed in a way that would benefit the status quo and oppress those without power. So it is no wonder that, without a drastic overhaul of the underlying assumptions, objectives and practices of the entire system, it will continue to marginalize this population. In order to create a system which is truly youth-focused, the entire societal institution of youth justice should be re-designed by taking into account the subjective participation of youth, and in particular those populations which are disproportionately impacted by this system. This is the only way to ensure that the methods, or structure and practices of the youth justice system, will serve its lofty youth-focused objectives. Clearly a complete overhaul of the Canadian youth criminal justice system is a momentous undertaking that is unlikely to happen in the near future.

Barring this, the system could be altered in a way that addresses the existing issues discussed in this paper. Such reform would require that those working within the system are made aware of how it is acting to further marginalize vulnerable populations and are given meaningful incentives to take steps to counteract this effect. Training these professionals in how

to conduct their work in a more youth-focused and critically-aware manner could potentially alter their approach to their work. Giving them real incentives to include more youth voices could make them more likely to practice in a manner that takes into consideration what aspects of the system itself are working against their more vulnerable clients and how to lessen this impact. In these ways, professionals trained to deal specifically with vulnerable youth in a youth-focused manner may be more likely to treat their clients respectfully, empowering youth to be active participants in the justice process.

4.7 Limitations

The major limitation of this study is the inability to generalize the results beyond its small sample size and its geographical location. Female transient youth, and transient youth in rural parts of Nova Scotia, as well as across Canada, could have vastly different experiences with the Canadian Youth Criminal Justice system from the ones described by transient male youth in Halifax. As discussed in the literature review, females' experiences with this system are likely to differ drastically from their male counterparts given their unique vulnerability stemming from the increased likelihood that they have been victims of violence (Janovicek, 2001), as well as the ongoing gender inequality within the system (Reitsma-Street, 1999).

The small sample size and the fact that all participants identified as Caucasian also limited the scope of the study, in that it cannot speak to the experiences of youth who identify with other races or ethnicities. For instance, the results of this study cannot be generalized to include the experiences of Aboriginal youth. Aboriginals are also vastly overrepresented in the Canadian youth criminal justice system due to their social and economic marginalization, however their experiences and perceptions are unique given the devastating impact European colonization has had, and continues to have, on their culture (LaPrairie, 1997).

4.8 Future Research

Given the inability to generalize the results of this study to other populations, it is evident that differences in gender, race, ethnicity, and social class uniquely impact youths' experiences with the system and each perspective is worth further exploration. Future studies could focus on specific ethnic, racial or gender groups in an attempt to identify how their experiences differ from those of transient male youth.

A close examination of the narratives provided by transient male youth in this study has impressed upon me just how much more material could be gathered on this topic. This study was quite broad in terms of subject matter, exploring respondent's thoughts and experiences about a wide array of topics concerning their involvement with the youth justice system. Further studies could narrow the research topics to a more specific line of inquiry to examine certain aspects of this population's experiences and perceptions in far more detail, in order to really get a sense of how this system impacts them and how it fits into their worldview. For example, another study could explore in more depth the experiences of male transient youths within the Restorative Justice program. Another subject of inquiry would be how the YCJA deals with young people experiencing mental health issues, as there is a separate mental health court and additional support services which may impact these transient youth differently than the mainstream youth justice system.

4.9 Summary

The discussion of the results revealed that transient male youths' experiences in the Canadian youth criminal justice system are understandable and easily explained under the perspective described by theorists of Critical Pedagogy such as Freire, McLaren, and Giroux. The Canadian youth criminal justice system, despite its youth-focused objectives, continues to

marginalize homeless youth through disempowerment and exclusion. I conclude that the youth-focused objectives can never truly be fulfilled under the present system because the methods, the basic foundations of the system, were designed to serve oppressive objectives. What is needed is a complete re-structuring of the system designed with the input of youth, particularly those who belong to groups that are disproportionately represented in this system. However, I concede that given proper training in a youth-focused approach, and given tangible incentives, legal professionals could potentially adapt their practices to be aware of the system's impact on vulnerable youth and lead them to practice in a manner that is more empowering and less marginalizing.

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Appendix A

UREB Clearance



Certificate of Research Ethics Clearance

Effective Date	February 7, 2014	Expiry Date	February 6, 2015
File #:	2013-049		
Title of project:	<i>Homeless Male Youths' Perceptions of their Experiences within the Canadian Youth Criminal Justice System</i>		
Researcher(s):	Nadia House		
Supervisor (if applicable):	Fernando Nunes		
Co-Investigators:	n/a		
Version :	1		

The University Research Ethics Board (UREB) has reviewed the above named research proposal and confirms that it respects the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* and Mount Saint Vincent University's policies, procedures and guidelines regarding the ethics of research involving human participants. This certificate of research ethics clearance is valid for a period of **one year** from the date of issue.

Researchers are reminded of the following requirements:	
Changes to Protocol	Any changes to approved protocol must be reviewed and approved by the UREB prior to their implementation. Form: REB.FORM.002 Info: REB.SOP.113 Policy: REB.POL.003
Changes to Research Personnel	Any changes to approved persons with access to research data must be reported to the UREB immediately. Form: REB.FORM.002 Info: REB.SOP.113 Policy: REB.POL.003
Annual Renewal	Annual renewals are contingent upon an annual report submitted to the UREB prior to the expiry date as listed above. You may renew up to four times, at which point the file must be closed and a new application submitted for review. Form: REB.FORM.003 Info: REB.SOP.116 Policy: REB.POL.003
Final Report	A final report is due on or before the expiry date. Form: REB.FORM.004 Info: REB.SOP.116 Policy: REB.POL.003
Unanticipated Research Event	Researchers must inform the UREB immediately and submit a report to the UREB within seven (7) working days of the event. Form: REB.FORM.008 Info: REB.SOP.115 Policy: REB.POL.003
Adverse Research Event	Researchers must inform the UREB immediately and submit a report to the UREB within two (2) working days of the event. Form: REB.FORM.007 Info: REB.SOP.114 Policy: REB.POL.003

*For more information: <http://www.msvu.ca/en/home/research/researchethics/policies/default.aspx>

Dr. Daniel Séguin, Chair
University Research Ethics Board

Appendix B

Interview Guide

1. Can you describe any interactions with legal professionals, such as police, lawyers, probation or restorative justice workers, that had a significant impact on your experience?
 - What did they do to help you through the legal processes?
 - What did they do that was not helpful?
 - What is your overall opinion of these legal professionals and the role that they play when dealing with you?
2. I want you to think about your experiences attending court, and about the consequences you received, such as fines, restorative justice, and incarceration. Can you describe for me how you felt during some of these experiences?
 - Did you understand what was going on? If not, why or why not?
 - Did you understand what was expected of you? If not, why not?
 - Can you describe some of your thoughts and feelings during these experiences?
3. How would you describe your role and the choices that you had within this system? For example, the level of control and range of options you felt that you had; whether you felt like you had a say in what was going on, etc.
4. What do you think about this system?
5. Why do you think the system deals with youth the way it does?
6. How do you think that your experiences with this system have influenced you and how you see yourself? What about how you see your life, in relation to employment, housing? Has it changed the way you view the society in which you live?
7. How has your experience of homelessness made your progress through this system easier, or more difficult?
8. Do you believe that your race or ethnicity has impacted your experiences within this system, and if so, how?
9. What role (or roles) does this system play in your life, and the lives of other transient youth, like yourself?
10. If you could change anything about the system, what would it be?
11. Is there anything about your experiences within the Canadian Youth Criminal Justice System that we have not addressed, and which you think is important to mention?

Appendix C
Demographic Information Sheet

Participant Code: _____

Race or Ethnicity (choose all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Caucasian/White | <input type="checkbox"/> French-Canadian |
| <input type="checkbox"/> African-Canadian | <input type="checkbox"/> Asian |
| <input type="checkbox"/> Aboriginal/First Nations | <input type="checkbox"/> Other _____ |

Present housing situation (choose one)

- | | |
|---|---|
| <input type="checkbox"/> Streets/outside/squatting | <input type="checkbox"/> Group home |
| <input type="checkbox"/> Shelter | <input type="checkbox"/> Room/apartment |
| <input type="checkbox"/> Couch surfing (friends/family) | <input type="checkbox"/> Other _____ |

While experiencing homelessness what type of living conditions did you experience?

- | | |
|--|---|
| <input type="checkbox"/> Streets/outside/squatting | <input type="checkbox"/> Couch surfing (friends/family) |
| <input type="checkbox"/> Shelters | <input type="checkbox"/> Other _____ |

Short term (several days up to two months). Long term (more than two months).

Your experience of homelessness is best described by the phrase: (choose one)

- I have experienced one short term period of homelessness
- I have experienced one long term period of homelessness
- I have experienced several short term periods of homelessness
- I have experienced several long term periods of homelessness

Have you ever had any involvement with the Adult Criminal Justice System?

- Yes No

Involvement with the Canadian Youth Criminal Justice System (check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Criminal charges | <input type="checkbox"/> Court conditions/ probation conditions |
| <input type="checkbox"/> Temporary custody (without a sentence) | <input type="checkbox"/> Incarceration in a youth justice facility |
| <input type="checkbox"/> Attended court proceedings | |

Provinces/Territories where involvement occurred (**majority, *some)

Alberta	North West	Prince Edward
British Columbia	Territories	Island
Manitoba	Nova Scotia	Quebec
New Brunswick	Nunavut	Saskatchewan
Newfoundland and	Ontario	Yukon
Labrador		

Appendix D

Formal request to conduct research at Phoenix Centre for Youth on MSVU letterhead

Dear Michele Poirier,

As you know, I am a Masters of Arts student in the Child and Youth Study program at Mount Saint Vincent University and I am hoping to conduct a research study within Phoenix Youth Programs by means of interviewing some of the youth who access services provided by Phoenix Centre for Youth. Over the past months we have been in contact about this possibility and at this time I am submitting a formal request to you for permission to conduct my proposed research study.

As you have already been made aware, my research topic is Homeless Male Youths' Perceptions of their Experiences within the Canadian Youth Criminal Justice System. I am hoping to interview six male youth between the ages of sixteen and eighteen, who have had a certain degree of involvement within the Canadian Youth Criminal Justice System, and who have also experienced homelessness. I intend to analyze the data gathered from these interviews from a critical pedagogical perspective. This will allow me to examine their stories in a way that takes into account the inherent systemic inequalities that could be impacting their experiences. It is my hope that by doing this research I will be able to contribute to the existing knowledge surrounding the issue of homeless youth and their overrepresentation in the Canadian Youth Criminal Justice System. In particular, I am interested in learning about how homeless and at-risk male youth are impacted by the justice system in terms of their interactions with legal professionals, what they found helpful or empowering, what barriers they perceive to successfully navigating the system, and how their homelessness may have impacted their experiences. It is my hope that the results of this research study will advance certain issues about how this population is impacted by this system and it may even provide information about how these youth can be better served by the justice system and community support workers who are helping them to navigate the system.

I have completed a proposal detailing my research plans, which was reviewed by the University Research Ethics Board and found to be in compliance with Mount Saint Vincent University's Research Ethics Policy on February 7, 2014. I have sent you the final copy of this proposal in the hopes that in reviewing it you will consider my request to conduct this research within Phoenix Youth Programs. In particular, I am requesting that PCFY case managers assist me in recruiting participants, that I am provided with a private space in PCFY where I can conduct interviews undisturbed, and that PCFY staff will assist me if my interactions with youth happen to escalate beyond my ability to support them alone. If you would like to arrange a meeting to discuss my research proposal and any questions or concerns you may have, please contact me at

If you decide to grant me permission to conduct this study within your program I would appreciate it if you could draw up a letter indicating this decision, which will be submitted to the University Research Ethics Board as confirmation that I have received your approval to begin my research. Thank you for taking the time to review my proposal and for the feedback you have provided thus far. Any further input you may have would be greatly appreciated.

Sincerely,
Nadia House

Appendix E

E-mail communication to staff at Phoenix Centre for Youth

I have been given permission to conduct a research study on homeless male youths' perceptions of their experiences within the Canadian Youth Criminal Justice System at Phoenix Centre for Youth. I am contacting you in the hopes that you will be able to help me recruit participants for this study because of your existing relationships with your clients.

Potential participants must be male, between the ages of sixteen and eighteen, and have experienced homelessness. They must have been involved with the Canadian Youth Criminal Justice System to the degree that they have been charged and attended court proceedings. It is also important that the youth you approach about participating in this study have the cognitive capacity to comprehend what is being asked of them as well as the risks involved in participation, which I will explain before beginning the interview.

Additionally, part of the reason that I am conducting these interviews at Phoenix Centre for Youth is that I am trying to limit the degree to which I am personally or professionally connected to the participants. If you have anyone in mind who may be willing to participate in this research study please ask them to what degree, if any, they have become acquainted with me in my capacity as a youth worker within Phoenix Youth programs. Clients with whom I am well acquainted will not be able to participate in the interview process.

Each participant will receive compensation for their time and effort in the form of a ten dollar gift certificate. I plan to make myself available at PCFY for approximately two weeks during regular operating hours, and I will inform you of when this will take place so that your recruitment of youth coincides with my presence at PCFY. I am hoping to complete interviews with six participants, but may interview up to ten youth if anyone decides to withdraw. Each interview will last approximately one hour. Youth who are interested in participating or in learning more about the research study can speak to me in person when I am on site.

It is my hope that the results of this study will advance knowledge about the experiences of transient male youth within the Canadian Youth Criminal Justice System, and your efforts to help recruit participants for this study are greatly appreciated. If you have any questions or concerns please do not hesitate to contact me by e-mail at

Sincerely,

Nadia House

Appendix F
Informed Consent (on MSVU Letterhead)

My name is Nadia House, a graduate student from Mount Saint Vincent University and a youth worker at Phoenix Youth Programs. I am conducting a study to better understand the experiences of transient male youth who have become involved within the Canadian Youth Criminal Justice System. This study will be the basis for my thesis and will fulfill the requirements of completion of my Master's Degree in Child and Youth Study.

I am interested in understanding the experiences of male youth, like yourself, between the ages of sixteen and eighteen, who have experienced homelessness, and have been charged and attended court proceedings within the Canadian Youth Criminal Justice System. I am especially interested in discovering how this system has either helped improve your life, or made it more difficult. Your feelings about these experiences are of particular interest, not necessarily the experiences themselves. The information that you provide will increase our knowledge of homeless youths' experiences within the Canadian Youth Criminal Justice System and will indicate the kinds of support that are needed to help youth, like yourself, to better deal with this system. Since youth who are eighteen and over fall under the jurisdiction of the Adult Criminal Justice System, I would ask that if you are eighteen to please refrain from discussing any experiences you may have with the adult system in order to avoid confusion and comparison between the two separate systems.

If you agree to participate in this study, I will interview you for approximately one hour at Phoenix Centre for Youth. The interview will be audio-recorded and later transcribed. You will receive compensation for your time, in the form of a \$10 gift certificate.

Your participation in this study is completely voluntary. You are free to withdraw from the interview at any time and for any reason, without penalty, meaning that if you choose not to complete the interview you will still receive compensation. If you do not want to answer a question you may say so and I will continue to another. If you decide to withdraw from the study after beginning the interview, you will still receive compensation and the recording will be erased immediately. If you decide after the interview that you do not want your information used in the study, you have a period of three weeks in which you can contact my supervisor at his office and request that any recordings and transcripts containing your information be erased. If you do decide to withdraw within this three week period you get to keep the compensation. The reason that I have limited this time frame to three weeks is so that I can proceed quickly with my study, and due to the fact that it will be difficult to separate your data from that of other participants once I have begun analyzing the data.

Once I have analyzed the data gathered in this study, I will prepare a thesis presenting the results. This will be accessible to professors and students at Mount Saint Vincent University, as well as those using the university's library system. If you wish to be sent a summary of the research findings once the study is completed please check the box at the end of this form and I will mail the results to you at PCFY.

All participants in this study will be identified using a false identity. Therefore, you will not be identified directly in the tapes, the transcribed records, the thesis, or in any other material which may arise from this study (e.g., articles, etc.) I will also change any potentially identifying information that you give me, in material that I transcribe or publish (e.g. names of schools that you attended, etc.)

In addition, all data collected during the interview will be accessible only to myself and to my supervisor. Computer files will be password protected and interview data will be stored in a locked file box within my home. Participants will be assigned a code that will be used to connect their data to their Informed Consent form, meaning that their names will not be attached to their data. The code-book will be kept in a separate location from the Informed Consent form and the data files. Data will be kept securely for a period of six years, and will be destroyed on January 1, 2020 by shredding the hard data and deletion of all remaining computer files. During this six year period, data may be used for additional research purposes.

Though I will make every effort to ensure confidentiality, there are risks involved if you decide to participate in this study. Because the population of homeless and at-risk male youth in Halifax is relatively small, it is always possible that someone may be able to identify you from the information which you provide. In particular, the PCFY case managers who helped recruit you for this study and other Phoenix staff who you may work with may be able to identify you from the information you provide about your experiences. You also need to be aware that there are limits to confidentiality, mainly that I am obligated to report certain information to ensure your safety and that of others. These instances are as follows: information which indicates that you are a threat to yourself or to others; information which indicates that you are abusing a minor, or know of a minor who is being abused.

Finally, although I am also a youth worker with Phoenix Youth Programs, my roles as a researcher and as a youth worker are completely separate. Therefore, this interview will not provide you with any legal advice. However, I can offer you information on relevant support services that are designed to provide such aid and I will provide a list of such resources before you leave. It is also important for you to know that the services you receive at PCFY and other Phoenix programs will be in no way impacted by your refusal or consent to participate in the study, or by any answers that you provide if you choose to participate. Also, I want to remind you that your participation or withdrawal will not impact any future interactions we may have in my capacity as a youth worker with Phoenix.

The ethical components of this research study have been reviewed by the University Research Ethics Board and found to be in compliance with Mount Saint Vincent University's Research Ethics Policy. If you wish to withdraw from the study, or if you have any further questions, you can contact me directly at

any questions or concerns with my supervisor, Dr. Fernando Nunes, he can be reached at his office at

how this study is conducted and wish to speak with someone not directly involved in the study, you may contact the Chair of the University Research Ethics Board (UREB) care of MSVU Research Office, at

If you would like to discuss

If you have questions about

Participant: I have read the information contained above and hereby consent to participate in the interview and to be audio-recorded, as described above.

Participant's Signature

Date

Researcher's Signature

Date

Check this box if you would like to receive a summary of the results via postage mail to PCFY.

Appendix G

Preamble

I understand that you have been previously charged with a crime and as a result have become involved with the Canadian Youth Criminal Justice System. I am not here today to discuss these charges with you, but to learn about your experiences within this system in an attempt to understand how this system may be impacting male youth like yourself who have experienced homelessness. In particular, I would like to discuss your feelings about your experiences within this system, and not necessarily the experiences themselves.

As we have already discussed, I am required to report certain information to the proper authorities concerning your safety and that of others. I want you to think carefully about what this means before beginning the interview and ask any questions you may have at this time. In an effort to reduce the risks associated with sharing information with me, I recommend that you avoid discussing particular topics such as your criminal involvement, and names and aliases of others who were involved with any criminal activities.

During the interview I will ask questions designed to guide the discussion, and I may stop you or ask further questions meant to steer you away from certain sensitive topics as discussed above, and towards topics that are of particular interest to this study. If you have any questions about this process, please ask them now since once the interview begins I will turn on the recording device and everything from this point forward will be recorded.

Appendix H

Debriefing Script

Now that the interview is over I want to go over a few things we discussed before. First of all, I want to remind you that if you are uncomfortable with your responses being included in my research study you can choose to withdraw at this time. You also have three weeks from this date (provide exact date three weeks from time of interview) to withdraw your responses if you reconsider once leaving this room (provide e-mail address).

Remember, if you allow me to use your responses your identity and any identifying information will be changed to protect you. Additionally I will make every effort to protect the information you have given me.

I also want to remind you that your participation, or choice to withdraw, will have no impact on the services you will receive at Phoenix. I want to assure you that if you and I happen to encounter one another at a later date through a Phoenix program I will treat you as I would any other youth and nothing you have told me will impact this youth-worker/client relationship.

At this time I would like to give you the opportunity to tell me how you feel about the interview we just completed and to provide you with a list of legal and other supports which you may find helpful if you need support after you leave here today (provide list of Support Services). Is there anything you would like to discuss, or any thoughts or feelings you would like to share at this time?

Appendix I

Halifax Legal Support Services

HRM Youth and Duty Counsel Nova Scotia Legal Aid

Description: Provides legal information and aid to low-income persons under eighteen.

Phone Number: 420-7800

Website: www.nslegalaid.ca

Dalhousie Legal Aid Service

Description: Provides legal information and aid to those with low income in terms of family, poverty, and housing law.

Phone Number: 423-8105

Website: www.dal.ca/faculty/law/dlas.html

Legal Information Society of Nova Scotia

Description: Website provides wide range of legal information. Contact directly for referral to specialized lawyers in your area.

Phone Number: 455-3135 or 1 800 665-9779 (toll free)

Website: www.legalinfo.org

Nova Scotia Office of the Ombudsman

Description: Investigates complaints of unfair treatment at the hands of provincial and municipal governments.

Phone Number: 424-6780

Website: www.gov.ns.ca/ombu

Crisis Support Services

Mental Health Mobile Crisis Team (MHMCT)

Description: A team of mental health professionals and police officers who provide confidential and non-judgmental telephone and mobile support for persons experiencing mental health crisis.

Phone Number: 429-8167 or 1-888-429-8167 (toll free)

Website: <http://www.cdha.nshealth.ca/mental-health-program>

Case Managers at PCFY

Andy Wallingham, Timothy Bowman, and Marianne McTague

Phone Number: 420-0676

My e-mail:

Date three weeks from today: _____