



# The Challenges of Youth Justice in Rural and Isolated Areas in Canada



DEPARTMENT OF  
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# The Challenges of Youth Justice in Rural and Isolated Areas in Canada

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*The views expressed herein are solely those  
of the author and do not necessarily reflect  
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## Executive Summary

Selected provincial and territorial officials were interviewed regarding their perceptions of the key barriers and challenges to the provision of a fair and effective youth criminal justice system in rural and isolated areas of Canada. Although often viewed as the site of ‘country life’ or the ‘mysterious, romantic north’, rural and isolated communities might better be seen as places of real hardship, especially when it comes to the delivery of services such as youth justice. One respondent articulated this point clearly noting, “*The greater the isolation, the greater the vulnerability and lack of services.*”

Consistent with the literature, the most frequently mentioned barriers to the delivery of a fair and effective youth justice system in rural and isolated areas are geography and distance; lack of services and resources; and a lack of community infrastructures. Some of the main findings that relate to these and other factors are:

- Both general and specialized services are sorely lacking in most isolated and many rural communities, seriously affecting the capacity to deliver a fair and effective youth justice system. Justice services to support bail, diversion, alternatives, and reintegration are in scant supply; specialized services are needed for the serious alcohol and drug, fetal alcohol, mental health, and family-related problems that affect the lives of many accused individuals, offenders and victims, as well as the fabric of community life.
- In rural areas, greater variation is observed than in isolated areas, because there is more variance in the availability of local services and/or their proximity to urban ones. Isolated communities are more similar to one another in their service and resource gaps and the prohibitive costs of providing services, training and follow-up in these areas.
- Geographic limitations such as distance, weather and the cost of travel create inequities in criminal justice processing of offenders (bail hearings; pre-trial detention, alternatives and sentencing options) and adequate responses to victims.
- Aboriginal communities located in rural and/or isolated areas of Canada experience wide variations in services and resource needs often as a direct result of their geographic proximity. The delivery of a fair and effective system of justice for young people is compounded in these communities by high unemployment, poverty, substance abuse, deficits in parenting skills, and lower skill and education levels.
- The lack of community infrastructure means that it is often difficult to develop and maintain community-based programs. This, of course, varies with the geography, size, location and socio-economic status of communities, but is a particular problem for small, isolated communities.
- Accused persons, offenders and victims are detrimentally affected by a lack of services and resources in rural and isolated communities. While there may be some

variation for those living in rural areas because of the availability of local resources and proximity to urban areas, there is much less variability in isolated areas.

- The most common problems for offenders are: a lack of alternative measures and specialized services to meet their rehabilitation and reintegrative needs; difficulties in getting to court and to appointments with lawyers, probation officers, workers etc; removal from families and communities; and being labelled as offenders.
- For victims the most common problems are: a lack of victim and treatment services, community support and recognition of their needs; on-going proximity to offenders in small communities; and pressures not to report or participate in criminal justice or alternative processes.
- Criminal justice workers (i.e., probation officers, community supervisors, community justice members) are often over-worked and, because of heavy caseloads and/or physical distances, are able to have only minimal contact with offenders and victims; 'burn-out' and rapid turnover are common among justice workers and service providers.
- Experienced professionals are hard to attract and keep in isolated communities; community supervisors are difficult to find within local populations.
- Interesting and useful innovations have emerged in response to the challenges. The use of telecommunications for bail, family group conferencing, provision of services such as psychiatry, and training are but a few of the many identified by respondents.
- Possible solutions to overcoming the barriers and challenges of administering the youth criminal justice system in rural and isolated communities include integration of services and government ministry partnerships; increased financial support for more justice personnel and for enhanced services and resources; crime prevention and education; and greater use of telecommunication.

## Table of Contents

Executive Summary .....	i
1.0 Introduction.....	1
2.0 Review of the Literature .....	2
2.1 Youth justice in isolated/remote indigenous communities .....	2
2.2 Prevalence of Youth Crime.....	3
2.3 Circuit courts and sentencing research .....	3
2.4 Youth justice in rural communities.....	4
2.5 Court and sentencing research .....	4
2.6 Differences in treatment and community characteristics.....	5
2.7 Solutions .....	6
3.0 Methodology.....	8
3.1 Definitions.....	8
3.2 The format of this report.....	9
4.0 Results.....	10
4.1 Issues and responses .....	10
4.1.1 Geography and distance.....	10
4.1.2 Inadequate resources and services .....	11
4.1.3 Deficits in community infrastructure .....	12
4.1.4 Other “key challenges” .....	13
4.2 The most serious problems .....	14
4.3 Impact of problems on the youth justice system.....	15
4.3.1 Bail hearings .....	15
4.3.2 Pre-trial detention.....	15
4.3.3 Availability of defence counsel .....	16
4.3.4 Availability of diversion program options.....	17
4.3.5 Sentencing options .....	17
4.4 Impact of problems on individual offenders and victims .....	18
4.4.1 Reintegration and rehabilitation of offenders .....	18
4.4.2 Identifying and responding to needs of victims.....	19
4.5 Similarity of problems in all rural or isolated communities .....	20
4.6 Impact of the <i>Youth Criminal Justice Act</i> on existing challenges and barriers	21
5.0 Issues Specific to Rural, Isolated and Aboriginal Areas.....	23
5.1 Rural.....	23
5.2 Isolated.....	23
5.3 Aboriginal .....	24
6.0 Innovations.....	26
7.0 Solutions .....	28
References.....	30
Appendix A: Interview Questions .....	33



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## 1.0 Introduction

This research was conducted to identify some of the central issues in the delivery of youth justice in rural and isolated areas. Due to the size, population distribution and cultural diversity of Canada, rural and isolated areas comprise a significant segment of the landscape. It is well known that one of the major barriers to providing a fair and effective youth criminal justice system is geography. The Department of Justice Canada has an interest in identifying the major challenges and barriers to effective implementation of the youth criminal justice system in rural and isolated areas, as well as possible solutions. The proclamation of the *Youth Criminal Justice Act* makes acquiring this information even more imperative.

## 2.0 Review of the Literature

Although rural and isolated northern communities are often identified as a single entity for purposes of policy making and program development, the criminal justice literature makes the distinction between the two quite clear. This is particularly true for countries such as, Canada, the United States (Alaska) and Australia, which have isolated and often remote indigenous populations.

### 2.1 Youth justice in isolated/remote indigenous communities

Much of the scholarly and government based literature has focused on Aboriginal communities in isolated areas. In this literature, the central issue addressed, for communities, individuals and the criminal justice systems in Canada, the US (Schafer *et al.*, 1997) and Australia (Doherty, 1999) has been the over-representation of Aboriginal youth in the criminal justice system. Discriminatory processing, cultural alienation and lack of resources to respond to the needs of communities, victims and offenders have been the focus of much of the literature (Schafer, 1998; Kueneman *et al.*, 1992).

Added to this has been the changing profile of youth crime and disorder in isolated aboriginal communities in the north, which as contributed to a limited youth justice response. For example, Parry (1996) found there were high rates of serious delinquency in Native villages in Alaska, where traditionalism is weak and/or alcohol and drugs are accessible, but there was minimal youth justice activity to address the problems. Griffiths *et al.* (1995) found the crime rate six times higher in Baffin Island, Nunavut, than in the rest of Canada, and as high as some of the worst areas in the U.S. Here too, there was a weak or limited response to youth criminal justice needs.

The early 1990's saw field work among the Cree of James Bay, Quebec (La Prairie, 1991); in the Yukon (La Prairie, 1992); in the Nishnawbe-Aski communities in Ontario (Auger *et al.*, 1992); and in northern Saskatchewan (La Prairie, 1997). The various research activities explored the nature of youth crime and disorder in these communities as well as possible solutions involving local justice and customary law. These research activities also examined problems with the delivery of justice services in these communities and the potential for the creation of a new relationship between the local community and the criminal justice system. Geography and distance, lack of familiarity with the workings of the criminal justice system, delays in the formal response to crime, leniency and /or inappropriateness of sentences, and a lack of human and other resources were consistently identified by local respondents as the factors that most contributed to the ineffective delivery of criminal justice services to communities.

The correctional research conducted by Evans *et al.* (1998) in the NWT also speaks to the lack of resources available to community members. When asking community members about the role of communities in the delivery of services, the researchers found that many people suggested, "the idea amounted to government 'offloading' of problems onto communities, without the accompanying resources to accomplish the task" (p. 9). Some



felt communities were being asked to take on too many additional responsibilities at once. However, differences in reaction about the role of communities in the delivery of justice services were observed between the west and Nunavut, and between older and younger community members. In Nunavut, community members were more likely to suggest that the community would be willing and able to handle the challenges presented by having more offenders serve their sentences in the community. A majority of other community members, however, suggested that their communities were not currently in a position to take on this challenge.

## 2.2 Prevalence of Youth Crime

Another focus of research in northern Canada and Alaska has been the growing problem Aboriginal youth present to communities and to the criminal justice system. This problem is variously explained by the disproportionate number of children and youth in these communities (La Prairie, 1991), increased use of alcohol and drugs (Bouchard and Pelletier, 1986), and youth aggression (Condor, 1992). Clairmont (1999) found that young Inuit males in Nunavut presented the most serious problems for communities and the criminal justice system. He describes them as “reportedly angry, confused, ill-educated and underemployed compared to their female Inuit peers, striking out at themselves and others, and locked in anti-social alcohol and drug abuse adaptations” (1999:4).

However, the perception of youth as being the major justice problem in communities is not always accurate. For example, in the James Bay Cree and LaLoche research, youth occupied a central place in community perceptions of crime and disorder but were not necessarily the group most responsible for crime (La Prairie, 1991, 1992, 1997).

## 2.3 Circuit courts and sentencing research

Other research has focused specifically on circuit courts. In a three-year study of the circuit juvenile court system in northern and rural Manitoba, Kueneman *et al.* (1992) found that non-aboriginal respondents were satisfied with court circuit arrangements, whereas Aboriginal respondents were more critical of them. However, all respondents stressed the need for courts to be knowledgeable of community history, community conditions, aboriginal and northern culture and the availability of legal aid. Like the work of La Prairie (1991) in northern Quebec, respondents expressed concerns about the leniency of the system and the slowness of the process. Respondents in the Baffin Island study voiced the same complaints about leniency, which Griffiths *et al.* (1995) attributed, in part, to attempts by court personnel in the north to make the system more sensitive to Inuit needs.

In terms of discriminatory treatment of indigenous/minority youth in isolated or remote communities, the research is contradictory. Parry (1996) found that the treatment of village youth in Alaska did not differ from that of youth in urban or non-indigenous communities; and where comparisons in processing were made, most favoured Alaska Natives and/or disappeared when community type was controlled. La Prairie (1992a)

found no disparities in sentencing decision-making for youth in James Bay Cree communities when compared to a non-Aboriginal youth sample from Val D'Or, Quebec.

However, Bond-Maupin (1992) argues that the imposition of a colonial system of justice discriminates against Native American youth and results in their arrests for more minor acts of delinquency. Subsequent work by Maupin and Bond-Maupin (1999) indicated that while race was not a significant factor in urban and rural jurisdictions, rural jurisdictions had more formal processing and detention of youth, and qualitative data revealed both race and class influenced these decisions.

## 2.4 Youth justice in rural communities

In 1980, De James analysed data from rural communities and concluded “rural areas lack social service resources, specialization, and a wide range of juvenile justice programs and facilities advocated by national-setting groups”. Throughout the 1990s and into the 2000s the “lack of resources” lament continued.

However, while resource needs for youth persist, Hagan's (1977) work on criminal justice (judicial sentencing) in urban and rural settings in Alberta reminds us of the importance of developing conditions for the delivery of rural justice. Hagan found that in 1973 decision-making by probation officers tended to treat Indian and Métis offenders more harshly. It is important to note, however, that the rural systems were much less professionalized in the 1970s than the current system. For example, in rural Alberta in 1973, only 34% of rural judges had law degrees and probation officers were staffed with people with police backgrounds rather than with trained social workers, as was the case in urban areas (Hagan, 1977).

## 2.5 Court and sentencing research

With the exception of the early work of John Hagan (1977) in Alberta, much of the available research on justice and youth justice in rural areas has been conducted in the US. The 1970s and 1980s saw a proliferation of research on rural courts (for a review see Feld, 1991), all of which identified significant urban-rural differences in sentencing. These differences were attributed to the social context of rural communities and the adoption of less legalistic models of sentencing in rural courts.

In general, these studies found that offenders may be treated differently based on locale and that differential processing is more prevalent in rural settings and declines with urbanization and bureaucratization. Classical sociological theory suggests that informal social control works best in traditional rural communities where homogeneity and uniformity of beliefs exist. In urban areas, population density, anonymity and diversity weaken social cohesion and increase reliance on formal social control. However, as researchers in Canada's north and in Alaska have pointed out, tradition has broken down in many Aboriginal communities, bringing with it a loss of informal social control and a dependence upon external, more formal systems of justice.



In analyzing rural and urban youth court data in Minnesota, Feld (1991) found compelling evidence of “justice by geography”. By this he meant that a “court’s social context strongly influences the ways in which cases are selected, heard and disposed” (p.162). He found that social structure is associated with differences in rates of juvenile criminality, the amount of procedural formality, and the way in which the juvenile justice system is administered. Differences are reflected in the selection of cases, the presence of counsel, pre-trial detention and sentencing practices.

## 2.6 Differences in treatment and community characteristics

In homogenous and stable rural communities, juvenile justice is less formal and sentences more lenient than is the case in heterogeneous, diverse, less stable urban communities. This was not the case, however, in a later study of the use of detention in a rural and an urban area which were both predominately Hispanic (Bond-Maupin and Maupin, 1998). In contrast with Feld’s work, the rural jurisdiction had more formal processing and detention of juveniles than the non-rural jurisdiction.

Parry (1996a) found that race and community characteristics have separate and combined effects on the processing of juvenile cases. In earlier research, Pawlak (1980) found that rural courts were more likely to hold formal hearings than urban courts but exhibited greater variation in the use of institutionalization. However, based on the available data, the stability and homogeneity of the rural areas examined by Feld, Parry, Maupin and Bond-Maupin and are not comparable.

Parry (1996a) argues that the treatment of American Native youth may depend more upon community variations in juvenile justice practices than on overt racial bias, as is typically argued for African-American and Hispanic youth. Community cohesiveness and the availability of adolescent resources – a problem for rural reservations and Alaskan villages – affect juvenile justice processing and outcomes. The lack of such resources may subject Native youth to external social control systems that are in conflict with the values of their own communities. The centralization of a justice system that exercises social control over Native youth, combined with the erosion of traditional social controls, has produced critical deficiencies at the level of the village in the resources available for addressing crime and crime-related problems.

A study of youth crime and young offenders in rural areas of Britain found that a lack of resources such as youth services, training, employment and housing undercut the ability of rural agencies to develop effective responses (National Association for the Care and Resettlement of Offenders, 1997). This suggests that even though criminal justice may be more informal in these areas, without adequate resources for youth, even informal justice is limited in its effectiveness. However, earlier work revealed that troubled youth are much more visible in rural than in urban communities, and subject to community hostility and harassment. Resources are also more limited to respond to their needs and often those involved in providing assistance to these youth may receive limited co-operation from hostile communities (Dahl, 1980).

## 2.7 Solutions

If one looks to the literature of the 1980s and early 1990s, the impact of Aboriginal constitutional initiatives and the attention to popular justice and alternate dispute resolutions are prominent. Problems with the delivery of justice services to Northern and isolated Canadian communities were identified as early as the 1950's, when Mr. Justice Sissons made his initial foray by bush plane into isolated Inuit communities and circuit courts becoming a regular part of the northern criminal justice landscape.

However, the 1980s brought into sharp focus the issue of community and/or indigenous control of justice as demonstrated in the work of Bouchard and Pelletier (1986) in Povungnituk, Northern Quebec; Zion (1982) in the US; and the Northern Conference (1984) in British Columbia. The early 1990s saw the emergence of a variety of alternatives designed to reflect local opinion and control. These activities had particular relevance for rural or isolated communities. These were the communities most affected by the lack of resources to support the criminal justice system and by their geographic distances from it.

As early as 1980, scholarly literature in the United States indicated that increased cooperation between the juvenile court system and local school personnel may address the lack of justice related resources available to young people (Brown, 1980). Current literature continues to suggest the need for qualified people, adequate resources and clear objectives when dealing with juvenile justice suggesting that considerable obstacles continue to persist (Wright, 1997).

There is considerable overlap and consensus in the kinds of solutions that have been proposed for addressing youth justice problems in rural or isolated communities. Generally these recommendations focus on procedures that integrate community values into the system and, as a result, have the potential to be more successful than the current system. For example:

- De James (1980) advocated a rural model of criminal justice which would be based on the cohesiveness and strength of rural communities;
- Parry (1987) argued that Alaska state resources would be used most effectively by continuing the Alaska Division of Family and Youth Services policy of diverting minor offenders out of the juvenile justice system and concentrating available services on those youth who commit serious or multiple offences;
- Respondents in the Kueneman *et al.* (1992) study of the juvenile court system in northern Manitoba favoured the development and use of community committees and community-based juvenile dispositions; and
- King and Schafer (1998) advocated a return to the community level prosecution of minor misdemeanors to allow tribal courts and councils in Alaska to adjudicate minor offences and provide follow-up to reduce the over-representation of Native youth in the justice system.
- In Canada, justice committees have become a vehicle for bringing community involvement into the processing of youth and are viewed, in the Aboriginal context in particular, as sharing principles with restorative justice (Neilson, 2000).



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- In addition, community or family group conferences have gained international prominence as alternatives to formal processing of youth (Galway and Hudson, 1996). Not only is the conferencing approach considered to be more culturally appropriate to some communities, it also has the advantage of not requiring the kind of infrastructure required for the operation of the formal system. Consequently, conferencing has particular resonance for rural and/or isolated areas.
  - On the basis of his research on general justice needs in Nunavut, Clairmont (1996) argues that the community is clearly the focal point for the delivery of justice services, for the substance of the programs and, in restorative justice, for the philosophy underlining the services and programs. He advocates many more community initiatives where local control and ownership are paramount.
  - In Nunavut and other Aboriginal communities facing similar problems with crime and the response of the criminal justice system, Clairmont also sees the need to experiment with different models of justice service delivery. On a related issue, La Prairie (1991, 1992, 1997) argues for systematic monitoring and evaluation of local projects.

### 3.0 Methodology

The current study involved key informant interviews with criminal justice professionals and community stakeholders. The questions were determined with input from Justice Canada officials and from a review of the relevant literature. The project was introduced by federal officials to the Youth Justice Research Advisory Working Group, which is comprised of federal, provincial and territorial representatives with expertise in method and data sources, and subsequently to the National Crime Prevention Centre (NCPC) Regional Directors. These officials were asked to comment on the study design and to identify key people in each of the jurisdictions who were best able to speak to the issues. If the individual contacted did not feel qualified to discuss the matters in the whole of the jurisdiction, additional names were sought. This “snowball” sampling approach continued throughout the period of data collection.

A total of 42 interviews were conducted in all provinces and territories except Quebec, PEI and New Brunswick who were consulted but ultimately chose not to participate. The number of interviews conducted in each jurisdiction is as follows: NWT (3); Yukon (4); Nunavut (3); British Columbia (8); Alberta (4); Saskatchewan (3); Manitoba (7); Ontario (5); Nova Scotia (1); and Newfoundland (4). In addition, several respondents indicated that they had consulted with one or more of their colleagues before the interview, so these interviews may reflect the perceptions and opinions of more than one person.

The roles and responsibilities of people who participated in the research was wide-ranging and included area managers and directors of probation, victims and youth corrections services; probation officers; program coordinators; managers of specific services such as Aboriginal and community projects; representatives of private agencies for aftercare or restorative justice programs; Crown counsel; legal aid or private defence counsel; regional justice specialists; court administrators; policy advisors; government child and family workers; and community youth coordinators.

#### 3.1 Definitions

The study surveyed problems in rural and isolated areas, defined as:

- “rural” means an area with a lower population density – according to Statistics Canada, fewer than 1000 residents per square kilometre;
- “isolated” means that criminal justice services may be situated at considerable distances from where youth and families reside and considerable travel may be involved. The size and isolation of communities (as measured by distances from urban centres and from other communities) can vary greatly so it is important to remember that there is not a single model of isolation.



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## 3.2 The format of this report

Due to widespread consensus in many of the responses, the results of the survey are set out in the report by question or issue rather than by jurisdiction. However, the need for greater specificity and elaboration on some issues is also required therefore three subsections relating to urban, isolated and Aboriginal communities augment the issues section. The final section of the report sets out possible solutions and some of the innovations that have emerged in response to the barriers and challenges to the delivery of youth justice services in rural and isolated communities.

The interview questions are located in Appendix A.

## 4.0 Results

### 4.1 Issues and responses

The three problems most frequently identified by respondents were:

- Geography and distance;
- Inadequate resources and funding for services (youth facilities, trained staff; programs); and
- Deficits in community infrastructure and skills.

Problems inter-related to these key challenges were also identified.

#### 4.1.1 Geography and distance

Under this category fell a number of different phenomena. In some areas of Canada, the distances between services and the people who require them are vast, requiring either service providers or community residents to travel long distances. Doing so is not only expensive, but also time-consuming for residents and service providers whose budgets and time are already stretched. For example:

- a respondent in the NWT explained that “isolation and distance affects the cost of travel for anything – even just to bring community people from two different communities together for a mentoring session, for training, etc – so cost and problems of travel affect not just expert and professional services, but also indigenous community efforts”;
- in Saskatchewan, some legal aid staff spend large amounts of time driving or flying from regional offices to provide service.

Distance, coupled with time and cost of travel, makes it difficult for youth workers to visit certain communities regularly. For example, in Nunavut, regional justice specialists, who train and mentor local community justice committees (CJCs), are able to meet with each CJC in their region only twice a year.

Even when distance is not a major factor to overcome, travel continues to present a problem for those who live in areas with limited public transportation access. For example, in the Kentville area of Nova Scotia, some families requiring services are unable to afford telephones or their own transportation (vehicles); these rural communities have no public transportation or taxi service, and although the court or service may be only an hour away, there is no easy way in. The same situation was described in the Smiths Falls area of Eastern Ontario near Ottawa, where a 30-minute journey can present a challenge for some youth and their families. Often the only way to get to court or to appointments for many rural youth is by taxi but they have no money; when they fail to meet appointments they are seen as non-responsive, and the consequences become more severe.



In some areas, travel is simply not possible by conventional means, especially at certain times of the year. Lack of roads in some areas of the far North and elsewhere mean some communities can only be accessed by air or water. Other areas can only be accessed overland after freeze-up creates “ice bridges” in winter.

In some areas, travel to services, or for service providers, travel to communities can be dangerous in bad weather. In such circumstances, travelers either risk the journey, or journeys are postponed or cancelled, creating delays in services, including circuit court days.

For youth who are removed from their home communities, geography and distances further limit familial visitation or accompaniment to appointments. This is not confined to custodial placements; for example, in the Nunavut communities to which the circuit court does not fly, the RCMP come and pick the accused up and fly him/her to court, which is difficult on the accused because family members cannot come with them. Similar situations are seen in Labrador and other remote Northern areas.

#### 4.1.2 Inadequate resources and services

Young people’s needs are not homogenous across the country. Certain areas have youth related problems that are specific to the region and require specific responses from both the criminal justice system and the community involved. In the NWT, Nunavut and Labrador, for example, alcohol abuse, neglect and abuse, lack of parental supervision and fetal alcohol related problems were specifically identified as serious needs of youth requiring services, but these were common problems in other jurisdictions as well. Mental health, sexual abuse, education and family-related problems were also frequently identified. In British Columbia it was noted that there is nothing for kids to do in remote communities so this results in drug and alcohol problems.

In many rural and isolated communities, resident or even circuit justice services of any kind are not available: people must travel to the services. Indeed, many such communities enjoy no resident professional services of any sort, including medical or educational programs.

Specialized justice services are in short supply everywhere, and for rural and isolated areas, the difficulty of persuading specialists to travel in, and the cost of bringing them in, are formidable. Among the specialized services needed are psychiatric and psychological assessment and counselling, life skills and anger management programming, and services aimed at sexual deviance, drug and alcohol abuse, and parenting skills. As one British Columbia respondent noted, “isolated [people] generally have less access to professional people”.

The overriding problem is that many small communities, at some distance from one another and from urban centres, see only small numbers of their local youth involved in the justice system. Therefore, the cost per client of providing service is high, making it

difficult for governments to justify expenses related to, for example, supervising or monitoring a small number of offenders in a rural area at a distance from official probation offices.

One of the manifestations of this phenomenon is that in some areas, the same worker is required to deliver a wide variety of programs and services. For example, in most Yukon communities, social workers deliver seven mandated and four non-mandated programs, including social assistance, child protection, and probation and victim services. These multiple roles sometimes conflict, stretch the capacity of the workers, and cause certain roles to suffer. In some communities, workers may not have a youth probationer on their caseload for two years, and then may suddenly acquire three youth probationers. Skill sets may decline under such conditions.

Several respondents also mentioned the difficulty in attracting high-quality, experienced staff to work in rural and isolated areas. Further, once workers are placed they often have difficulty adjusting to the unique circumstances of the job and the environment, including being cut off from their own support systems and families, and as a result there is often a high turnover in staff.

With the concentration of justice services in certain centres, youth must be brought in or travel in for court, residentially based services and custody. In some instances, youth may be relocated from their home communities in order to receive services. Workers may try to place youth with extended family while they are in programs. In Saskatchewan, youth are transported all over the province because of bed shortages between remand facilities and RCMP lockups, and often are at some distance from family networks.

Resource restrictions also cause instability in funding for discretionary programs, which are approved on a year-to-year basis. This in turn hampers continuity of service and hinders long-term or strategic planning.

#### 4.1.3 Deficits in community infrastructure

Third among the most frequently mentioned challenges is the lack of effective community infrastructure. Among the specific deficit areas indicated were healthy families, effective parental supervision and control of youth, voluntarism, positive role models (including seniors and Elders), and healthy sexual and gender roles, neighbourly support for prosocial values and activities, and community pride. Community pride can be particularly challenging in some of the Prairie towns which one respondent characterized as “dying”.

The following responses indicate that there is a lack of clarity on the severity of youth crime in some communities, further highlighting the point that responses to youth crime are often community specific. Some respondents characterized some (though by no means a majority) of rural or isolated communities as being in crisis. Another said, “When the children are in crisis [implying they often are], the community is in crisis.” At the extreme, one respondent described some communities as being “locked in an endless cycle of violence and abuse”.



The deficit in community resources affects youth justice in various ways. For example, a respondent from Nunavut said communities in her jurisdiction are “ill-equipped” – meaning that there is no one to help the youth to do his/her community service, follow up with him/her, or write a report; or it is the same community person who tries to do all these things and eventually “burns out”. Youth are also often difficult to work with or even locate, because they are “transient within their communities – you never know where they are from one night to the next.”

It is widely recognized that many communities lack the necessary resources to deal with youth crime. Programs such as community justice committees may leave the communities involved with the perception that the criminal justice system has placed the burden of dealing with youth crime in their hands. One respondent in British Columbia noted that in the early 90s they tried to involve communities in sentencing circles and the response from communities was “don’t ask us to make these decisions because it makes us the heavy”; these communities would rather have authorities play that role.

#### 4.1.4 Other “key challenges”

Other problems identified by respondents quite often related to the three most frequently mentioned challenges. These include the following:

- Highly mobile families, which move youth from school to school within a single school year;
- Dysfunctional families that cannot provide guidance and support to youth;
- Parents not supporting the justice process, e.g., not ensuring their child gets to court;
- Lack of follow-up to diversionary decisions and sentences imposed on youth;
- Lack of recreational and other activities for youth;
- Community apathy;
- Lengthy intervals between circuit court dates;
- Undue pressure on workers and the system generally from powerful families in small communities;
- Youth who want to leave their communities and commit crimes as a way to be moved to urban areas;
- Lack of central office support for community workers, e.g., training and mentoring;
- “Community tyranny” which manifests itself in intolerance for youth and “targeting kids to get them out of the community”;
- Inability of communities to recognize when youth are at risk and in need. Even where volunteers are available they often need constant support, mentoring and validation;
- Small communities which are not always accepting of young offenders, and which have less place for them to fit in;
- Resources for youth aged 16-18 are particularly needed;
- Sporadic program delivery;
- Lack of understanding of the criminal justice system;
- Selection process for and quality of workers; difficulty in recruiting qualified personnel;<sup>1</sup> lack of quality control over selection and hiring of workers;

- Constant turnover and “burn-out” of workers; one respondent said that two years ago, five out of the 13 outlying “communities” in the Yukon had empty social worker positions;
- Lack of bilingual workers (in jurisdictions like Nunavut);
- Bureaucratic demands and paperwork involved in accessing basic services;
- A lack of confidentiality and the inability to communicate in confidence;
- General mistrust of criminal justice system officials;
- High unemployment;
- An insistence on separate resources (e.g., community centres) for First Nations and for non-First Nations residents.

#### 4.2 The most serious problems

There was a general consensus that geography, services and resources, and lack of money are the most serious problems. These are inter-related and of equal seriousness. However, these primary challenges were almost matched by the challenge of weak or non-existent community infrastructures. This seems most severe in the isolated areas with small populations and few human and other resources.

The philosophy of keeping youth out of custodial institutions depends on the availability of alternatives to custody and these, in large measure, depend on community programs and initiatives. Yet, even where these exist, they do not necessarily meet the needs of youth and may be so over-extended that long waiting lists exist. In some communities, programs such as Community Justice Committees may substitute for specialized programs, services and activities. Respondents recognized that the process, while helpful, was not a substitute for effective follow-through or for individualized services.

- Manitoba Justice has a practice of entering into “community participation agreements” with communities for probation supervision, community service orders, and fine options, which are predicated on enough, trained and committed people to carry out these functions. However, alternative supports like justice committees are often difficult to maintain and sustain;
- The lack of early intervention is a problem that is becoming worse in jurisdictions such as Saskatchewan;
- The “intertwining” of problems was particularly noted in northern Aboriginal communities in NWT and British Columbia, so it is often difficult to judge the seriousness of individual problems.

The bottom line for many respondents was that even if the problems were not equally serious in terms of the number of youth affected, it was still essential to provide services for the one or two cases that exist in some rural and isolated areas. In addition to differential access to services, differential charging and processing of youth may stem from the differential availability of criminal justice services. This suggests an inherent unfairness in the youth justice system. However, in some areas the system is changing and improving. For example, Justices of the Peace in Nunavut are now Inuk, community-based, and receiving adequate training in order to meet the challenges of their jobs.



## 4.3 Impact of problems on the youth justice system

The way in which the criminal justice process works in rural and isolated areas is critical to the delivery of a fair and effective youth justice system. Some of the process issues explored in the research are bail hearings, pre-trial detention; defence counsel; diversion and sentencing options.

### 4.3.1 Bail hearings

- in isolated and some rural areas, infrequent court hearings affect where and when bail hearings can be heard;
- in Newfoundland, if a youth is arrested in St. John's, he/she receives a hearing the next day; if in Labrador, it could be a week before the bail hearing – Labrador has only 2 courts which go on circuit once every 2-3 months;<sup>ii</sup>
- in remote areas of British Columbia, bail hearings may be done on the phone and involve RCMP and Crown (and perhaps duty counsel in Vancouver), but this can take the reality and seriousness out of it for the youth. Probation is not always included, which means that bail options are not discussed. If a probation officer is involved the officer will not travel to interview the family so the decision is not necessarily based on the full information;
- court locations are centralized in most provinces (such as Manitoba) so there is a problem with rural and isolated youth securing transportation, and receiving required information quickly. Many do not have phones so it is often difficult to reach parents;
- a respondent in the NWT noted that, except where circuit courts are involved, the court process, in general, has shorter delays than in southern Canada;
- there may be no Justices of the Peace within a reasonable distance;
- youth may spend more time in custody because of longer waits for hearings;
- distances (in British Columbia, for example, from Hazelton to Smithers, where the hearing is held) may be too costly for families to sign for youth;
- small communities often have trouble finding someone to monitor bail;
- lack of housing options, lack of parental support, parents who “give up quicker” because they are used to bad situations – all these influence bail decisions; parents with more education and who are employed are more likely to become involved and help their children;
- in rural British Columbia, the single biggest challenge is the availability and appropriateness of a bail hostel as an alternative to custody;
- probation officers may have to work harder to find a responsible adult where families and communities suffer serious alcohol and other problems.

### 4.3.2 Pre-trial detention

Due to lengthy distances and lack of resources, youth from rural and isolated areas may be kept in detention in far-away urban centres and for longer periods of time than would be the case for urban youth. There are typically no programs for youth in pre-trial detention so it is often a negative experience, and for Aboriginal youth it can be a foreign and extremely distressing experience.

For these reasons, the majority view was that pre-trial detention is in fact used as sparingly as possible, especially in remote and isolated areas. In many remote areas there is a concerted effort to keep youth out of pre-trial detention unless remand is absolutely essential; in all of Nunavut, there is only one youth detention centre, in Iqaluit, so a particular effort is made to keep youth out of detention.

However, in those cases where youth are detained in remand, the following problems were noted:

- in smaller areas, there is more use of police lock-ups in local communities, but lock-ups tend to be unhappy and frightening places; in British Columbia, local cells may be used only for short-term detention to prevent long hours of travel to detention centres;
- cultural shock for youth because they cannot interact with family;
- in rural areas, offences are frequently against family members, and there are no alternative housing options for the youth. As a result, pre-trial detention is more likely.

#### 4.3.3 Availability of defence counsel

The availability of defence counsel seems to be largely dictated by geography, but was generally considered a less serious problem than other process-related issues. The exception was in jurisdictions such as Nunavut, where the circuit court is required to cover 24 communities and there are few legal aid or other lawyers in the territory. The dependence on legal aid was also more acute in poorer communities where parents were less likely to be able to afford a private lawyer. Some of the other comments made and effects noted by respondents were:

- the “spotty” availability of legal aid services;
- lawyers are only available the day of circuit court so there is limited time to prepare or meet with clients;
- legal aid lawyers have very large circuit court caseloads, and workloads and travel often “burn them out”;
- turnover among lawyers present problems of availability and continuity;
- there is little choice of legal counsel; some will not take cases that involve extensive travel;
- sometimes there are no members of the local defence bar who will do legal aid work;
- delays occur because defence counsel may seek adjournments for lack of preparation time;
- dedicated defence counsel are needed for serious cases, but this is not always possible;
- small town practitioners may not have the same level of specialized legal expertise. Since such practitioners are sometimes contracted to act as Crown counsel, this may leave offenders without local defence counsel to draw on;
- problems are experienced in getting quick access to counsel at arrest;
- there is a community perception that lawyers who take legal aid cases are less competent lawyers.



#### 4.3.4 Availability of diversion program options

Smaller rural and isolated communities simply do not have the structures in place to deliver diversion services even though they may have the potential for community sanctions. However, it is often hard to find contract workers for community supervision due to the low volume of cases. Even where there are some structures in place, these may be limited and there is not a clear sense of who is in charge of them.

- generally fewer opportunities exist in rural and isolated communities for restorative options;
- “in between cases” (i.e. less violent cases needing something between diversion and custody) are the main “problem” cases in terms of a lack of alternatives;
- where community options exist, less serious offenders are the preferred clientele;
- in some provinces like Saskatchewan, there are many diversion programs but considerable variance in terms of quality;
- in Newfoundland, most of the province is not covered by alternative measures although 32 programs exist;
- volunteers are stretched or, in the case of remote areas, there are few people who qualify as volunteers;
- youth may have long distances to travel to diversion program;
- some diversion programs are run by police, others by the community;
- one Alberta respondent said “diversion is pretty active in rural areas – that’s how police manage justice in rural areas.” He also said that Youth Justice Committees (YJCs) have had “fairly good success,” although many start out being too punitive and have to be “reined in”;
- In some jurisdictions (Manitoba, Alberta, NWT) there are community justice committees in extensive use.<sup>iii</sup> Nova Scotia has a comprehensive and flexible restorative justice program than operates in urban and rural areas (see Innovations section).

#### 4.3.5 Sentencing options

There was general agreement about the preference for recommending community options over custody in pre-disposition reports. However, fine options, monitoring of conditional sentences and community service orders are a challenge because of the difficulty in contracting for community supervision work.

Some communities have programs that present a viable sentencing option for the courts, while others do not. For example, in British Columbia, some communities such as Hazelton and Smithers have an Aboriginal justice system, *Unlocking Aboriginal Justice*, whereas other rural and isolated Aboriginal communities in British Columbia and elsewhere do not. When asked about the availability of sentencing options, one respondent simply said, “We are at the mercy of the judiciary,” meaning that there are so few options there is little to put before a judge.

The lack of viable sentencing options may leave judges with a single option – the one, it was noted, that “cannot refuse any client” – jail. One Prairie respondent said “sometimes

it seems a kid gets put in custody because that is the option most likely to hook him up with services.” Another respondent, said that because there is often no Intensive Support and Supervision Program (ISSP), and fewer non-justice programs like alcohol and drug treatment, there are more custodial sentences.

Some of the other sentencing option comments include:

- judges tend to leave it up to corrections to see how to provide services and may not consider if sentencing is feasible; often imposing conditions that cannot be enforced;
- rural and isolated areas, in particular, tend to have fewer options for community based sentences, especially if involving violent or sex offenders, so it may become necessary to remove youth from the community to receive outpatient or residential treatment;
- in Labrador, Nunavut and other remote areas, where there are few sentencing options, there is still considerable reluctance to remove youth from the community, so secure custody is less likely except in very serious cases; in Newfoundland, only Cornerbrook and St. John’s have detention facilities;
- in Nunavut, one respondent said that recent reforms to probation have been tremendously successful. Concerns about the former system of delivering probation through social workers employed by the Health Ministry to conduct a wide variety of services led to the creation of separate probation officer positions, which are better paid and have attracted the “cream of the crop” of workers.

Where sentencing options do exist, the general consensus was that some work, some do not, and much of their success (or failure) depends on the community and whether the option is seen as worthwhile. Diversion and other alternatives are similarly viewed by communities.

#### **4.4 Impact of problems on individual offenders and victims**

A NWT respondent commented that in smaller communities everyone knows who commits the crime but without an appropriate criminal justice response, the message is conveyed that it is “OK to commit crime”. In addition, youthful offenders’ issues may not be dealt with and victims are left with the sense that nothing results from the process. This is seen as an on-going problem for rural and isolated communities.

Respondents made a number of other observations about offenders and victims, which are presented, in the following two sub-sections.

##### **4.4.1 Reintegration and rehabilitation of offenders**

The matter of resources and other issues of rural and isolated areas are so profound and entrenched that keeping young people out of the system, while still providing a sustainable process to meet their needs, is a continuing challenge. The inability to process cases in a timely manner means those accused are often left waiting; less access to diversion and other alternatives means that few opportunities for re-integration exist. Although several jurisdictions are developing community approaches such as family



group conferencing, youth in rural and isolated areas continue to lack the reintegration options available to urban youth. The other serious impediment to offender rehabilitation in these areas is the lack of specialized programs to deal with their needs.

Some of the common offender issues are:

- because of difficulties getting to court, accused are often late and court dates are missed;
- accused may choose to plead guilty rather than travel back and forth;
- for offenders leaving custody, it is difficult to provide follow-up services, which may result in higher recidivism;
- youth may be barred (by court order) from returning to home communities because of victim fears (especially in Aboriginal communities) and lack of resources to treat them. As a result, youth go to cities and may start a downward spiral;
- in small communities, nothing is confidential so it is more difficult to get placements for youths, resulting in more labelling and more awareness of who has a record. Under these conditions, it is more difficult to achieve reintegration and rehabilitation -- once a person is identified as an “offender” he/she is always an “offender”;
- youth may have to go to a different community where services are available making it difficult to be reintegrated into their own community;
- similarly, youth who are sent away for services suffer from lack of contact with their families.

#### 4.4.2 Identifying and responding to needs of victims

The challenges and barriers affecting youth justice in rural and isolated areas may be most profound for victims. Due to geographic distance and the lack of services and resources, victim needs are often the last to be serviced. Timely and culturally appropriate supports for victims are especially absent in isolated communities. This creates a general cynicism about the justice system.

Some of the commonly mentioned victim issues are:

- victims are asked for input in pre-disposition reports but RCMP-based victim services are too far away to access;
- there is a lack of agencies such as the Elizabeth Fry and John Howard Societies to provide victim services;
- where there are no separate victim services, a conflict situation is created for probation officers who are expected to deal with offenders and victims;
- for people in remote areas, it requires a major effort to access diminished services, especially in cases of sexual assault where there are waiting lists and it is difficult to come to multiple sessions of a program;
- small communities are often made up of three or four family groups with considerable antagonism among clans or groups – especially if the incident involves break and enter or assault and the victim’s whole family suffers shame and anger;

- for the powerless in the community, there is difficulty accessing victim counselling services;
- in small communities victims continue to see the offender and this exacerbates the sense of disillusion if needs are not met;
- a respondent in one of the territories noted that there is “huge pressure on victims not to report offences to police. [I] heard the mother of one of 5 young female assailants who had severely beaten a 14-year-old girl threaten the victim’s mother right in court: ‘If you ever call the police on my daughter again, you’ll get it;’”
- in rural areas, courts and other services and community are not set up to keep victims and offenders apart;
- where no victim services exist, victims simply are not well prepared.

A comment made by one respondent was that the traditional court system is not what victims want and if there is no diversion in place to give victims a louder voice, they remain unsatisfied. The problem is exacerbated when court occurs in an isolated community and the accused wants to plead guilty at first appearance and the judge wants to sentence, because the circuit court will not be back in the community for a while. The victim simply loses out unless a victim impact statement has been prepared, which is unlikely without the support of victim services.

#### 4.5 Similarity of problems in all rural or isolated communities

While there is a wide spectrum of communities that fall within the definition of rural, there is also considerable diversity among them in terms of levels of poverty and community well being. However, despite the diversity, all rural communities seem to share problems related to lack of resources.

According to respondents, the factors that account for the differences in barriers and challenges among rural or isolated communities are:

- The geographic proximity of the community to an urban area;
- The socio-economic well-being of the community;
- The location and frequency of circuit court hearings (in the case of isolated communities);
- The lack of quality control over matters such as the selection and training of workers and restorative justice alternatives, which can produce considerable variation in the quality of the response to problems.

One respondent summed up the diversity quite simply when he said: “The greater the isolation, the greater the vulnerability and lack of services”. Another said there are no strong regional centres in her province – one town will have a hospital and the next will have a school – however, they are slowly trying to do more consolidation of services because of the difficulty supporting all the small towns. She claimed that people are used to shopping a long way from where they live, so will do the same for services.



There was noted variation in Aboriginal communities that were not always related to geography and distance from urban areas. Local administration, power structures, infrastructure and general cohesiveness all influenced the capacity and willingness of communities to deliver youth justice services. However, delivery of non-culturally appropriate services by non-Aboriginals can also differentiate Aboriginal communities from one another, and from non-Aboriginal rural and isolated communities. On the more positive side, one Alberta respondent noted that Aboriginal communities usually have a contact to tie into such as a worker or band representative, but non-Aboriginals do not, so in some cases, Aboriginal offenders and victims have more resources.

An interesting similarity noted by several respondents was that justice is brought to the community by people who do not live there, and with little accountability to the community. Court is seen as a business rather than something that affects the fabric and future of the community.

#### 4.6 Impact of the *Youth Criminal Justice Act* on existing challenges and barriers

The new *Youth Criminal Justice Act (YCJA)*, which was passed on February 4, 2002, and proclaimed in force on April 1, 2003, was designed to overcome and address some of the weaknesses in the *Young Offenders Act*. It contains statements regarding the values upon which the legislation is based. These include the developmental needs of young persons, the need to take victim interests into account, and the role of communities and families in roles related to crime prevention, addressing the needs of young persons and providing guidance and support. Diverting less serious cases from the system and emphasizing rehabilitation and reintegration are also given greater emphasis in the legislation.

Eliciting perceptions about the degree to which respondents believed the *YCJA* would “address the challenges and barriers identified” above, was important to the research process. Due to the timing of this research (i.e., during the implementation phase of the new legislation), it was necessary to identify those issues that may be addressed by the *YCJA*.

Most of the respondents indicated that they supported the principles behind the new legislation, including the need for communities to take more responsibility for addressing the youth crime problems in their midst. Indeed, several respondents suggested that they were already using a community-based approach and that the new legislation would change little in that respect.

Others, however, suggested that the use of further community-based approaches would create challenges in their communities. According to some respondents, there is an inherent assumption in this approach that all communities had an equivalent capacity to create effective indigenous solutions, and unfortunately that may not be the case. The majority perception among respondents, in fact, was that without a significant infusion of resources into rural and isolated areas, there would not be substantial change. Other respondents suggested that they might be forced to take on larger numbers of the youth who previously had been dealt with in other ways, and who present more serious needs and greater risks to the community.

There was also a general belief that the challenges and barriers to delivering youth justice in rural and isolated communities are so complex and entrenched that legislation alone is unlikely to address them. The main concern is that there is an emphasis on maintaining young persons in the community and releasing them from custody sooner, but the current lack of capacity and resources in the communities will be problematic. In addition, because the community development processes, which would be needed in these communities, are challenging and also require dedicated resources for their development, reform efforts may be stalled.

In some, primarily Northern communities, a particular concern was raised relating to the appearance of “nothing being done” about youth crime. In such communities, where victims and offenders see each other on a daily basis, any impetus which furthers the perception that there are no meaningful consequences for youth would create a concern around support for the system and community resentment towards offending youth.

A Newfoundland respondent concluded that the “*YCJA* expands options but it also makes the community take a stronger role and if communities can’t deliver, it will be a problem.” Another said, “The *YCJA* doesn’t change [the] fabric of community.”

On the positive side, one rural respondent felt that the criteria for the use of custody at bail and sentencing will stimulate the development and use of alternatives to custody and may even disproportionately benefit small communities. But he did not believe the legislation should be expected to reduce crime, and said “holding legislation responsible for rising crime is like holding an umbrella responsible for rainfall.” Several respondents believed that the new legislation would result in deferred custodial orders and conditional sentences, and more intensive supervision orders.



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## 5.0 Issues Specific to Rural, Isolated and Aboriginal Areas

### 5.1 Rural

- Although both rural and isolated communities present unique barriers to the delivery of youth justice, isolated communities often have the added complication of poor roads, which make services less attainable. The delivery of fair and effective youth justice in rural communities is often directly related to the size, socio-economic health of the community, as well as the rural communities proximity to the nearest urban centre.
- Despite the challenges, one probation officer painted a very positive picture of probation work in rural areas. He pointed out that probation officers personally know the community; the community supports their work; police are helpful; it is easier to get things done; there is often a stronger sense of “community”; the work is more independent and less bureaucratic; it is possible to have a real impact and affect change; and it is more satisfying work because of the variety and challenges. This respondent also believed that smaller communities provide a greater opportunity for victims to be involved and for their needs to be identified and addressed.

### 5.2 Isolated

- Geography is the most serious and intractable problem facing accused youth, offenders, victims and the youth justice system in isolated areas and communities. Services often need to be flown in or clients flown out. Weather, the availability and capacity of airplanes and resources to pay for flights affect the capacity to overcome geography. Clients are often miles apart with no phones, no transportation and few workers to cover huge areas;
- Isolation can cause extreme delays in processing from offence to disposition. This can have a detrimental effect on the offender’s sense of responsibility and on the recognition and meeting of victim needs. This time problem also creates questions about the legitimacy of criminal justice. Lack of trained and qualified local people to supervise also means that orders are often not complied with;
- Isolation can mean that young people are moved far from their own families and communities in order to receive services;
- The quality and depth of services required for young people living in isolated communities are simply not available;
- Where courts come infrequently to communities there is also a concern about the extent to which community members and young people, in particular, understand the function of the court as well as its presence in their community.

### 5.3 Aboriginal

- Some respondents felt there were often problems specific to working in youth justice in Aboriginal communities. These include challenges for non-Aboriginal workers being accepted and working with Chief and Council; and the hiring of competent people;
- Many Aboriginal “fly-in” communities are more prone than non-Aboriginal communities to the geographic problems because of break-up and freeze-up, including:
  - isolated communities often do not have road access to urban services so services must be flown in which is costly and often untimely;
  - there are so many isolated Aboriginal reserves separated by vast distances it is difficult to determine where to set up new youth facilities and resource centres to make them accessible to these communities;
- Even where court and social services exist, Aboriginal families are often so mobile that it is difficult to provide services to them and to get youth to court and to appointments;
- Victim needs may be particularly overlooked on reserves because resources are poor and because power structures may affect the ability of victims to speak out and to have their needs met;
- In some northern communities, victims (especially female and Aboriginal) have had to leave the community because the community supports the offender. This is especially problematic for victims who are not seen as full community members, or when the victim does not speak up because he or she is afraid to participate in sentencing circles or family group conferences;
- Victims are often family members who continue to live together, which means that victim services that promote reconciliation and healing are critical but rarely available;
- The use of alternatives such as sentencing circles may be more of a problem in Aboriginal communities when people feel pressured to attend and/or feel that the process is not fair because the relatives of the offender are involved;
- It is difficult to find people to do supervision work on contract in small communities, where the pool of potential candidates often includes close relatives of victims or offenders;
- First Nation communities have a right to Band Council Resolutions (BCR) which can ban people from the community; it may be difficult to reverse this order after the youth has been away for some time, even if he wishes to make amends;
- High unemployment on reserves creates problems for voluntarism. It is almost impossible, in some communities, to ask people on welfare to work for the good of the community without any honorarium or remuneration, and if they do, some may be subject to criticism;
- In some provinces like Manitoba, there are agreements with First Nations communities even though these may have to be tailored to communities; however, despite diversity, these communities all share problems related to a lack of resources, high unemployment and social problems;



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- There may be political issues with First Nations who are reluctant to have probation orders enforced or offenders supervised in their territories (applies as well to diversion and monitoring and supervision of conditional sentences);
  - Where Aboriginal governments exist there is not always an effective meshing of services. This was noted in parts of British Columbia, in particular;
  - However, it was also noted in British Columbia, that some Aboriginal communities are more organized and cohesive than others and have a better structure from which to provide services; there is also variability in volunteer networks.

## 6.0 Innovations

A number of innovations have emerged in response to the barriers and challenges of delivering a fair and effective youth justice system in rural and isolated areas. These include:

- In rural Manitoba, contract workers are partnered with other organizations such as health and safety (domestic violence); where there are Métis communities close to First Nations, there is a division of labour with people moving in and out of one another's systems when required;
- In Manitoba, there are also community participation agreements;
- British Columbia is trying to develop programs for better transition for Aboriginal youth on release; this is working well with schools and Elders, but needs funding;
- Teleconferencing is enabling alternatives like family group conferences to take place when people cannot be together physically;
- Alberta is doing telepsychiatry in northern areas and training more of their own non-specialized staff to identify specialized problems, assess youth and hook them up with services – in other words, substituting general staff for specialists;
- Alberta has worked out specialized agreements with hospitals and psychiatrists to assess and treat youth with mental health needs;
- The NWT now requires CJs to handle not only individual diversions, but also to identify the larger underlying problems. The end result is that while 10 years ago, a community committee would just give up on youth after three offences, now they explore the problem more deeply. Some of the examples of larger CJC initiatives (some, but not all, involve outside resources):
  - parenting workshops;
  - bullying workshop in school;
  - placing youth on committees;
  - peer mediators who advise judges on how to sentence (Inuvik);
  - anger management programs;
- In recent years, British Columbia has used new federal money to establish alternative measures and community-based programs, and has established new residential treatment beds; has expanded violent offender treatment programs throughout the province; has converted residential to non-residential programs; increased the number of contract non-residential supervision workers (ISSPs) to work with youth in their own homes;
- In British Columbia, the creation of the unified youth and family ministry has helped the rural and or isolated problem, as has the use of Native Justice Workers to deliver diversion services in communities;
- In Nunavut, and some other jurisdictions, there are Regional Justice Specialists in place, who concentrate on assisting communities to increase their capacity to handle their social problems;
- In Ontario, programs tailored to work with Aboriginal reserves are creating new partnerships;



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- In Nova Scotia, the Valley Restorative Justice is contracted to the Department of Justice to run restorative justice programs in three counties (each with unique contracts with the province). Nova Scotia is the only province that has legislated restorative justice approaches for young offenders at all levels. The program is primarily for youth, runs in urban and rural communities, and has guidelines legislated by the province. The program has four goals – reduced recidivism; victim satisfaction; increased public confidence in the justice system; and assisting communities to deal with problems. It is not a victim veto program and can use victim surrogates. The program:
    - can be entered via police, Crown, court or corrections;
    - can be pre-charge;
    - can be for repeat or violent offenders;
  - Because of the distances in the Nunavut Territory and the shortage of lawyers, legal aid has made it widely known that anyone can call them collect at any time and there will be an Inuk person answering the phone;
  - Video-conferencing has promoted victim involvement;
  - In Alberta, training material for Youth Justice Committees is on the Internet; British Columbia has a 24- hour “telebail” service and, before that, had Justices of the Peace on call.

## 7.0 Solutions

There was no dearth of suggestions put forward by respondents to address the challenges and barriers facing the youth justice system in rural and isolated areas. It should be noted that many, but not all, suggestions involve the infusion of financial, human and other resources, and may not apply in all provinces.

Suggestions for improvement to the youth justice system include:

- Various federal ministries and provincial and territorial levels of these ministries including education, health, housing etc., work together to put a plan in place to address the needs of youth in rural and isolated areas. Working together would include the coordination of funding across ministries so issues can be identified and given priority, and programs can be developed, implemented and be adequately funded. It should also include planning so the most appropriate resources and services can be implemented;
- Better partnerships between existing criminal justice services and communities around community development and other issues;
- Rehabilitative programs, such as substance abuse and psychological and psychiatric services, should be located in home communities;
- Education for young persons and communities to better understand the judicial process and how it relates to them;
- On-going training on youth issues for resource personnel and community members;
- Ensuring available staff, programming and resources are in place and are systematically monitored and evaluated;
- Use of telephone bail;
- More agreements for use of satellite services;
- Better selection and risk assessment tools to ensure that only those young persons who commit the most serious offences and have the greatest needs go through the formal system;
- Tracking how youth workers spend their time;
- More staff positions for probation and other justice services;
- Greater family involvement and parental education about parenting and needs of youth;
- Increased emphasis on prevention – communities and families need to learn that courts and schools alone cannot fix problems;
- Streamline and simplify the process for getting new funding; strictly oversee where money is going once granted;
- Money to compensate local people for time in order to encourage participation;
- Funding for outreach services if the youth leaves custody, to provide for short visits before release, for working with family and school, and for short follow-up in communities;
- Travel allowances for family members to visit children in programs;
- Travel allowances for victims to access services;



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- Greater use of community justice committees (CJCs) that integrate crime prevention into their mandates and have responsibility for both offenders and victims;
  - CJCs should remain community-based, not government-controlled, but need to improve community development skills and provide workers with more training;
  - Hold joint regional conferences of local council and CJC members to get councils to stop concentrating on “garbage collection and water delivery” and start realizing “these are your kids;”
  - A jail in each region of Nunavut so people do not have to go far away;
  - Hire more Elders to take youth on the land in Aboriginal areas;
  - Base justice initiatives on the needs of each individual community and not on a “cookie-cutter” approach;
  - Probation officers to conduct conferences in all geographic areas;
  - Adequate training for probation officers to act as facilitators;
  - Uniform accreditation or accountability for community agencies doing restorative justice within and across jurisdictions; accountability should include ISSP orders;
  - Adoption of the new Nunavut model for dedicated probation services in isolated areas, in preference to the “social worker jack of all trades” model.

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## Appendix A: Interview Questions

1. Can you tell me what you consider the three most serious challenges/barriers to implementing and delivering a youth justice system in rural and/or isolated areas?
2. Are these problems of equal seriousness? If not, which is most serious? Explain.
3. How do these problems affect the operation of the youth justice system? (e.g., bail hearings; pre-trial detention; availability of defense counsel, esp. for trial; availability of diversion program options; sentencing options)
4. How do these problems affect individual offenders and victims? (reintegration and rehabilitation of offenders; identifying and responding to needs of victims)
5. Are these problems the same in all rural and/or isolated communities? If not, what factors account for the differences?
6. Do you think the new YCJA will address these problems? If not, why not?
7. What do you see as possible solutions to the problems you have identified?



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## Endnotes

<sup>i</sup> There is an interesting anomaly in Nunavut, where probation is the great success story and attracts all the most qualified workers but where other areas suffer a serious dearth of good workers.

<sup>ii</sup> A bail/pre-trial service was established in Newfoundland last year but it is only offered in St. John's.

<sup>iii</sup> There are now some 98 youth justice committees with 1300 volunteers across Alberta.