



SYSTEM PATHWAYS INTO YOUTH HOMELESSNESS

CASE STUDY: JUSTICE

Homelessness can be a pathway into the justice system. Being on the street, many of the means of survival like squeegeeing, petty theft, and self-defence can lead to involvement in the justice system. Those without resources, including a stable home, are considered a higher risk to re-offend, and are therefore more likely to be incarcerated. Similarly, the justice system is often a pathway into homelessness. Being discharged from jail comes with restrictions about where one can stay, gaps in education and skill development, and stigma. This cycle uses inappropriate resources for youth who have faced considerable struggle, leading to negative outcomes for the youth and society.

In 2013/2014, a research project titled *System Pathways into Youth Homelessness* interviewed 22 youth (aged 18-29) who have been homeless and 12 individuals working in front-line agencies, policy developers, and Government staff.

WHAT YOUTH TOLD US

Justice and youth homelessness

Of the 22 youth in our study, seven were involved with the Justice system either as a youth or young adult, and often both. Of the six participants who were incarcerated as youth, two aged out of the care of Child and Family Services (CFS) care while in jail. Of the seven participants who experienced incarceration, six experienced a period of homelessness within one year of release, many of them experiencing it immediately following release.

Discharged into homelessness

One 29 year old male participant related his story of going to jail: "when I came home from school my door was kicked in and I opened it and looked and [a staff at the group home] was basically counting all my money... and I said 'you know man you shouldn't even be in my room. You're staff, you're breaking the rules and you're stealing my money, like put my money down.' And I kind of got mad and I threatened him and they phoned the police and then I went to jail. And when I got out I was homeless."

This youth experienced homelessness upon release from jail, and his story is not unique. When asked about whether someone in corrections performed any exit planning with him, one youth related that: "they just gather, like where are

you going ... you know like we just have to write something down." Another youth told us "when it comes to like being released there's not really anything. Or it doesn't seem to be that much when you're getting released, other than you have conditions and stuff like that, more restrictions."

Becoming involved in the criminal justice system

When asked why he first became incarcerated, one youth said he was jailed for "stupid stuff like shoplifting or stuff like that, I don't do that no more now." Another youth responded: "I don't know. I've done like quite a bit of time, [but] not even like really anything wrong, just not being able to get on my feet." Many of the youth in our study returned to prison multiple times. When asked why he was

arrested shortly after release, one youth responded: "Actually I don't know—[it was] kind of on purpose. [I was having a] hard time—go ahead and arrest me." It is clear that some youth initially become involved in justice due to

minor offences, and become prone to recidivism.

Aging out of care while incarcerated

A 25 year old participant first went to jail at the age of 15. "[I served] twenty-six months in the Youth Centre and the rest was federal. I knew I was going to be gone for a while, started building survival skills and stuff." This youth aged out of CFS while incarcerated, and experienced homelessness shortly after discharge as a young adult.

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Male youth participant

ANALYSIS OF POLICY

Seven of 22 youth in our study had involvement with the justice system, including being jailed before, whilst, and after experiencing homelessness. Studies across Canada have shown that homeless youth have a much higher tendency to be involved with the law or be incarcerated.

These youth became involved in the justice system often for reasons that are related to lack of resources in child welfare. Youth in foster homes or group homes may act out or run away and thus become involved with police. Youth living on the street may engage in minor offences and thus enter the justice system. Once involved in corrections, many youth enter a cycle of contact with the Justice system, extending into adulthood.

The Youth Criminal Justice Act mandates services for youth under 17 years old. Individuals may be incarcerated in one of Manitoba's Youth Correctional Institutions until age 20, when they must be transferred to an adult institution. Some youth age out of the care of CFS while incarcerated.

These youth appear to be lost in a gap between the mandates of the Child Welfare and Justice systems in Manitoba.

Youth who exit from the Justice system can find themselves discharged into homelessness. A participant from Manitoba Justice explains why "homelessness is not something on our map; not something we've talked about... most the youth we work with have homes, they may not be the best homes, but they have them. If they run away, then they are breaching and they come back in. The kids will take off from places they are not comfortable in, then we take them in and try to find a stable environment for them. It's often when people fall out of our grasp that homelessness is an issue for them. When they're in our grasp, then it's not [an issue]. So it's not something we often turn our minds to."

WHAT AGENCY WORKERS TOLD US

Criminalization of poverty

Several agency participants expressed concern over the criminalization of youth due to circumstances beyond their control. One agency participant felt that the majority of criminal activity they see is related to poverty. "You need your basic needs met if you're going to change your life." They offered examples of youth shoplifting items to meet basic needs or needs of their children. A second agency participant told us "a good 50% of them are being charged as a result of being in care. You break a lamp and you're charged, you take a step off the property and the police are called. They push a staff because they're angry and they're charged. If the agency doesn't make sure the youth are going to their court appointments, they go back to jail."

One agency worker also pointed to a stigma that exists for street-involved youth. They noted it was difficult to get funding because the people they support are seen as criminals, despite very minor crimes they might commit. "The people that we do get are taking responsibility for their charges, but in the scheme of their life, their charges are the least of their problems". Negative public perception affects youth's sense of their opportunities: "people don't understand why youth are getting in conflict with the law; robbery might be a 12 year old-boy taking another boy's cell phone, or they're in jail for missing court twice, so the public doesn't want to support them. For a lot of the youth we deal with, it's like jail is a right of passage, and it's like 'who's gonna care if I go to jail?' They have cousins and family members in jail. And it's better to go to jail than sleep outside in February."

Discharged into homelessness

Agencies confirmed that in the adult justice system, some youth exit the jail or remand directly into homelessness in Manitoba. "If you're being released from a jail, they bus you into the City, you don't have a dollar to your name, and there you are, on your own. There has been no discharge planning with them, at all." A number of agencies related stories of youth with nothing, not even adequate clothing, showing up at their door straight from jail without warning. Government participants agreed that this was an issue: "Homelessness is a large issue for us, getting these kids to a stable home environment is sometimes very difficult. CFS is taxed so getting a good plan in place before youth are released is difficult."

Lack of exit planning contributes to recidivism. One representative told us: "We had a client who was sleeping all summer long under a bridge, he was out all day long looking for a job. About one month ago, as it was getting cold out, he decided that he was going to do something so he would get

put back in jail so he had somewhere to go for the winter."

Aging out of care in prison

Agencies report there is not adequate planning for youth and they inevitably fail to meet conditions of their release because the requirements are unrealistic. This is particularly important for youth who have been in the care of CFS, or who do not have family support. They do not have a safe place to go, no one in their lives who will help them navigate various systems to meet their needs. According to a community agency respondent "Justice isn't concerned with where people go. For some people there isn't even a family member whose house or couch or floor or whatever where they can sleep. There are kids who have been apprehended from birth and they don't have, even dysfunctional family members so they can crash on their couch."

Appropriate care after jail

One government participant told us that youth with high needs face more significant gaps in service: "High-risk kids with mental health issues are most difficult. There is no facility so it's always difficult to get them into an appropriate placement. We rely on CFS for the housing, we work with schools in communities, spiritual care, addictions treatment, we look after that. We try in the adult system, but there is legal mandate. An adult can refuse to do certain things but youth have a different legal ability to refuse."

A front-line agency participant indicated a lack of appropriate housing when some youth are to be discharged: "There are

kids who are deemed 'high risk' so it is impossible to find a home for them to stay at so they are put in the youth centre. There was a 12 year old we worked with who was sexually assaulted her whole life,

then put in a group home. She kicked a staff person, was put in the youth centre. Then the charges were dropped, but the agency responsible for her left her at the youth centre, for an additional 3 months because they could not find anywhere to put her."

Work together

Many agency participants articulated the importance of intersectoral communication. "We should all sit down at the table, Justice, the support from MYTEAM, EIA, Housing—to actually figure out how the youth can move forward. We [should] get things like day care, EIA, housing, set up 3 months before the youth turns 18. You can't apply for things until you absolutely need them, but you don't get them immediately, so then you have these gaps or you just can't get the services you need."

ISSUES AND RECOMMENDATIONS

Issue: Diversionary systems, including the drug treatment court, mental health court, and restorative justice programs were said to be under-utilized and youth go into jail for minor crimes or mental health reasons. At the same time, the criminal justice system is utilized to stabilize and assess youth, particularly those with extremely challenging behaviours. These supports through Justice are generally seen as positive by agency workers.

Recommendation: More research is needed on the type of supports required for youth with challenging behaviours, in particular mental illness, to prevent criminalizing young people while keeping them and the staff who work with them safe.

Issue: Youth are being discharged from the Justice system into homelessness. This often leads youth back into contact with the Justice system.

Recommendation: For those who are not diverted, youth and young adults require improved discharge planning when exiting a correctional institution in Manitoba. Discharge planning should be standardized and occur in advance of exit. Partnerships with community agencies, who can support youth after release, can

enhance this planning so long as the referral is appropriately resourced.

Issue: Youth in care of CFS while incarcerated may miss out on age-of-majority planning.

Recommendation: Youth that are incarcerated while in the care of child welfare should receive improved transitional planning. There should be integrated planning between CFS and Justice if a youth is aging out of care while in the justice system. CFS should review policies which lead to files being closed when youth are incarcerated. CFS planning should continue for youth even while incarcerated.

While these recommendations endeavor to improve the existing system framework to better serve youth, they do not address inequities embedded in the established structure. Other system recommendations from this study meant to stabilize housing and reduce poverty will also reduce interactions with the Justice system. The over-representation of Aboriginal peoples involved in the Justice system is a fundamental concern, though not specifically addressed by these recommendations.