

**CRIME PREVENTION AND YOUTH CASE PROCESSING: WHERE AND  
HOW TO INVEST AND INTERVENE**

**THE JOHN HOWARD R.J. SOCIETY'S YOUTH COURT LIAISON PROJECT:  
FINAL EVALUATION REPORT**

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## **LIST OF ABBREVIATIONS**

- “15” The few young offenders accounting for much crime and court processing delays
- CJS Criminal Justice System
- CSC Correctional Services of Canada
- GSS General Social Survey (conducted by Statistics Canada every 5 years)
- FASD Fetal Alcohol Spectrum Disorder
- HRM Halifax Regional Municipality
- IWK Izaak Walton Killam Foundation
- JHS John Howard Society
- MLSN Mi’kmaq Legal Support Network
- NSLA Nova Scotia Legal Aid
- NGPS New Glasgow Police Service
- PPS Public Prosecution Service (Nova Scotia)
- PSR Pre-sentence Report
- RCAP Royal Commission on Aboriginal Peoples
- RJ Restorative Justice
- SCC Supreme Court of Canada
- YCLW Youth Court Liaison Worker project

## EXECUTIVE SUMMARY

The evaluation assessment has been fully summarized in seventeen points on pages 57 to 59 of this report. Essentially the John Howard Society and its restorative justice agency initially had a broad set of objectives for the project wherein the YCLW would play both a liaison role to the CJS for youth and an outreach role vis-à-vis the accused youths and their families. Government specification centered strongly on the liaison role -getting the youth engaged more quickly in the court process via legal aid, to their own and to the justice system's benefit. The governmental emphasis reflected clearly that the project was largely a response to the recommendations of the Nunn Inquiry concerning processing youth cases.

As it turned out the project's emphasis was indeed on the contacting the young offenders and encouraging them to make arrangements with Legal Aid if they had not already done so. There was little further contact if the youth was lawyered up or readily indicated an intention to do so or simply did not want any assistance from the YCLW. Lack of adequate contact coordinates and significant transiency among the youth meant that a large proportion of the youth who were referred to the YCLW, or appeared on the court dockets subsequently made available to the YCLW, were never contacted. Few youths were referred by the police agencies which of course largely eliminated the possibility of their being contacted by the YCLW worker prior to first court appearance.

There was little emphasis on a more active and continuing outreach role for the YCLW for several basic reasons – narrow interpretation of the role's formal mandate and a strict adherence to that in practice, such that linking the youth to NSLA, and / or making them aware of the need and value to obtain such counsel, became the almost exclusive objective; lack of effective 'buy-in' to the project by many CJS officials which limited police collaboration and led few other court role players to utilize the services of the YCLW; turnover among the YCLW workers which limited the build-up of rapport with officials and familiarity with the young accuseds; no compellability for youths to meet with or talk to the YCLW worker. The contact of the YCLW with the young accused usually occurred over the telephone when such information was provided by police officials or by attendance at youth court but for various reasons the contact was quite limited and only in the last months of the project were they beginning to become more than a single short encounter.

The YCLW in concert with the RJ agency staff did develop a YCLW manual, job description, information cards, and promoted and explained the initiative to CJS officials in both Truro and New Glasgow, especially in Truro where the worker had an office. There was a modest input into NSLA practices (i.e., suggestions for simplifying the process of certification for youth). Few services were provided other than encouraging the youths to link up with NSLA and only in last month or so, were a few significant contacts established with youth and/or parent/ guardians. There were also significant lessons and insights that could be drawn from this largely unsuccessful project, in large

measure because the competent project management and staff did their best to carry out their mandate and thus, analyses of shortcomings has to focus not on them but on the major structural and problem specification issues such as effectively reaching the small number of multiple repeat offenders – a grouping we have labeled “the 15” since in so many jurisdiction in Nova Scotia roughly that number generate much of the youth crime and a much larger proportion of “secondary” crime (i.e., administration of justice crime). The project perhaps inadvertently highlighted the central query for crime prevention, namely where to put the emphasis, where to make more investment.

In the section on Future Directions, pages 60 and 61 of the report, the assessment’s concluding argument is advanced as follows:

The overall policy relevance of the YCLW project may well have been to sharply underline that the pivotal policy problem issue for crime prevention and for youth court administration is not the average length of time in processing youth cases. Rather, it is the fact that a small number of multiple repeat offenders – “the 15” as we have labeled them – cause a disproportionate amount of court time and account not only for much crime but also for perhaps as much as 75% of all the administration of justice or “secondary” criminalization which does take court time and limit effective court action. They constitute the proverbial “elephant in the room” for crime prevention and case processing. The YCLW project was not focused on this central problem and did not have the mandate or the tools to deal with it. A different model would appear to be required, a youth intervention outreach model, a model that does not exist in Nova Scotia but does have some modest commonality with the NSLA approach in HRM and the MLSN court worker approach in the Aboriginal community. In this evaluator’s viewpoint such a multi-tasked youth intervention approach pinpointing the central youth crime problem highlighted by the YCLW project could be a major step forward for the justice system in Nova Scotia.

**THE JOHN HOWARD SOCIETY’S YOUTH COURT LIAISON PROJECT: THE FINAL REPORT**

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# THE JOHN HOWARD SOCIETY'S YOUTH COURT LIAISON PROJECT: THE FINAL REPORT

## INTRODUCTION

CCJS (Canadian Centre of Justice Statistics) reports and other studies indicate that youths, aged 12 to 17 inclusively, make up about 8% of the population and account for 12% to 13% of criminal charges and more than 15% of recorded offenses. While the trend for crime, including crimes of violence, has been downward from the high levels of early 1990s, youth crime trends, especially with respect to violent offenses, have bucked that pattern. These statistical findings have been especially valid for Nova Scotia (Clairmont, Violence and Public Safety, 2008). The North-Central region of Nova Scotia, where the communities involved in this youth court liaison project are located, mirrored in most respects the provincial patterns in youth crimes (Department of Justice, **Provincial Task Force**, 2006). Their youth population accounted for 19% of the provincial youth population but for 22% of the recorded youth crime. Their shares of provincial youth property crimes and violent crimes were closely proportionate to their share of the provincial youth population. The one area of criminal offending where the youths in these areas were over-represented was “other criminal code” (e.g., bail and administration of justice offences) where their rate of 50 incidents per 1000 youth compared to 38 incidents per 1000 province-wide; such over-representation is very meaningful in a project such as this which aimed at reducing obstacles to court processing of youth cases.

Theoretically, the evolution of citizenship in western democracies has been identified as the key force behind the rise of various “rights” movements, not the least of which has been the evolution in youth justice policy from the Juvenile Delinquency Act to the YOA in the 1980s and in 2003 the YCJA. Several studies (e.g., Degusti, The Impact of the YCJA on Youth Case Processing, 2008) have examined the impact of the

YCJA and shown that it has led to less incarceration, more extrajudicial responses to youth offending and greater reliance on informal cautioning among police, all without an increase in the overall level of youth crimes. Fewer youth cases proportionately are being processed in court but a higher proportion of those that are court processed involve violence and repeat if not prolific offenders. Currently, most national funding for crime prevention among youth has focused on either anti-gang programs or on at-risk youth especially at junior high age (i.e., 11-13). A neglected grouping would appear to be youth, without gang involvement, who have come into conflict with the law for serious or repeat offending. This project, responding to offending by all youth 12 to 17 years of age who have not been channeled to extrajudicial measures and who live in milieus reportedly characterized as not having quasi-gangs, balances out the social policy attention.

The Nunn Inquiry, established by the Province of Nova Scotia in response to youth violence and the shortcomings in the response of the criminal justice system, addressed general issues concerning young offenders, especially high-risk youth. In his report, (Spiralling out of Control, 2006), Nunn advanced 34 recommendations. A number of the recommendations dealt with educational policies, others with the need for changes to be made in the YCJA and still others for greater provincial coordination of its services for troubled youth, and for its development of a child and youth strategy. There were three recommendations – two of which were the number one and number two recommendations respectively - which have been the *raison d’etre* of the Youth Court Liaison project. The first Nunn recommendation focused on the immediate aftermath of arrest, called for reducing the delay in a youth passing from arrest to court appearance and suggested that the youth should appear in court within a week of arrest if not at the next scheduled Appearance Date. The second Nunn recommendation referred to the need to reduce overall delay in court processing from arrest through to disposition and for determining the reasons for the delays and subsequently establishing norms or standards to reduce them. Recommendation # 26 which called for a coordinative, interdependent strategy of interventions, and supports to at-risk youth and their families, also appears to have provided impetus for this project, especially taken in conjunction with

recommendations calling for police to appoint youth court liaison officers (recommendation #9) and for the Public Prosecution Service to have specialized Youth Court Crowns where the numbers warrant it (recommendation #10). The recommendations highlighted here (recommendations #1, #2, #26) focus on public safety but also carry a presumption – certainly a hope – that the greater awareness of and timely engagement in the CJS processing by the young offenders and their guardians could have positive implications for effective intervention, reduced recidivism and perhaps for alternative justice options.

## **THE YCLW APPROACH**

The Colchester / Central John Howard Restorative Justice agency was well positioned to develop and implement a Youth Court Liaison project to address the Nunn recommendations concerning delays in justice processing, assisting in the coordination of CJS activities, and linking young offenders and their guardians to supportive community services. It has valuable experience providing restorative justice programming in the Central region of Nova Scotia, has collaborated with Correctional Services in special programming for youth on probation (Marshall, Working Together Project 2004), enjoys a high level of respect from CJS role players, and has strong relationships with community service providers, governmental and non-governmental. It is also now embedded in the John Howard organization, a long established service provider to young and adult offenders. In preparing its proposal for the Youth Court Worker (YCW) liaison project, the agency held a consultation with members of its regional restorative justice committee and others. The consultation fleshed out the problems and issues with respect to the delays Nunn cited (e.g., arriving in court on plea day unprepared, lack of parental involvement in the process, causing delays in the PSR assessments) and helped define the terms of reference of the YCW liaison role as “a neutral friend of the youth court providing information and navigational services to all youth with matters before the court”, speeding up the processing, and referring youths and guardians to supportive



community services (Comments Regarding The Youth Court Liaison Worker Pilot Project, 2008).

The Pilot Project proposal that emerged put forth a number of central objectives for the YCW liaison activity (Project Proposal, 2008). The first objective was deemed to be researching and advancing a YCW model that would target the causes of delays at the four nodal points, namely arrest, court appearance, securing legal aid, and cooperating with the PSR assessments; these causes were presumed to primarily involve informational and motivational considerations on the part of youths and guardians and it was considered that the emergent model could have implications for other areas of the province. Another objective, clearly related, pointed to the development of a strategy / protocol for enhancement of the youth's participation in the court process (e.g., a "cheat sheet" dealing with demeanor and so forth and transcending the issue of delays). A third major objective advanced the importance of not only informational sessions and associated materials for youths and parents / guardians but also the value of support activities and referrals to community services and programs for both parties (e.g., parental support groups). The fourth major objective dovetailed with the 26<sup>th</sup> Nunn recommendation and emphasized the YCW model contributing to partnerships with and among other CJS role players.

The project proposal also emphasized the value of having a comparison site and here the agency was able to draw upon the findings of its recent collaboration with Probation Services where sharp differences were found between the Truro and New Glasgow regions in the CJS approach to young offenders (Marshall Working Together, 2004). These two regions were selected as comparison sites, a strategy that was appropriately deemed likely to enrich the central project objective of researching the causes of delays in processing youth cases and advancing, at the conclusion of the project, nuanced recommendations for dealing with them, whether a single YCW model or variants thereof (for example, not all regions may for example have the caseload to justify a special full time YCW role).

The YCW liaison project was scheduled to be in place until the end of the fiscal year 2009-2010. Its preparatory work – setting up the project, hiring the staff, creating an initial training manual, selecting an evaluator, and contacting CJS role players in both sites – was essentially accomplished as per schedule and the phase of service delivery began in the late winter/ early spring of 2009. It could be expected that the YCW role and the project's goals and strategies would evolve as more was learned about gaps in CJS processing that are amenable to YCW action and how to respond to the needs of the youths and parents. The unfolding of the project and the implementation of its services and networking are described below.

## **THE EVALUATION FRAMEWORK**

This evaluation has been truly a formative type evaluation in that the evaluator was deeply involved with the project since the evaluation was formally approved and, in addition to providing specified deliverables, participated regularly as a member of the project's advisory group. The scheduled time frame for the evaluation was from January 2009 to March 2010. Oral reports were provided on regular basis to the project staff and to the project's advisory group and a progress report was submitted in January 2010. A draft final report was submitted in March 2010. The project received an extension till the summer of 2010, reasonable in light of turnover in the YCLW role and delays in reaching formal agreements with the collaborating CJS partners.

The evaluation targeted baseline and subsequent measures / findings and a comparison between the two sites, Truro and New Glasgow. There were diverse methodologies employed, including the following,

- Examining the relevant academic and social policy literature

- Interviews of police, court officials, project staff and others, in-person, by telephone, and via email

- Interviews and emails with front-line persons engaged in other court liaison projects in Halifax and the mainland Mi'kmaq First Nations

It was anticipated that any interviewing of youth and parents / guardians would have to be thoroughly considered by the project advisory committee. Several strategies were advanced including an equivalent to an “exit” type questionnaire and / or obtaining signed agreement to interview the youths and their parents / guardian on the impact for them of the YCLW service (e.g., the information received, the service contacts facilitated) and their assessments of case processing issues. Unfortunately, for reasons noted below, no such interviews were possible.

Secondary data analyses of youth offending patterns through youth court dockets  
Secondary data analyses of relevant Department of Justice (JEIN) data to examine case processing by area

Access to YCLW workers’ files with respect to contacts with youths and their parents / guardians to examine the number and features of the contacts, the referrals to other services; the interactions and arrangements with service providers, and with police and court role players.

Participating in as many of the project advisory group meetings as possible

The evaluation matrix advanced below indicates how the evaluator initially operationalized the evaluation with respect to first three objectives of the YCW project stated above. The fourth objective – the partnership and networking with the criminal justice role players – was seen to entail both formal and informal linkages, including the project’s advisory group structure, collaboration on key tasks such as preparation of a YCLW training manual and brochures, appreciating the ways in which the YCLW worker could / should fit in order to realize the other three objectives, and determining the impact of the YCLW worker activities on the conventional criminal justice system roles. The references in the matrix to the data collection periods remain as initially advanced but project delays and implementation issues as well as the project extension accorded by the funding agency meant they were off by roughly six months.

## EVALUATION MATRIX

<b>PROCESSES ACTIVITIES &amp; OUTPUTS</b>	<b>INDICATORS</b>	<b>DATA SOURCES</b>	<b>DATA COLLECTION PERIOD</b>
Objective #1: reduce delays and barriers; four nodal points of Youth involvement in CJS (police, NSLA, court, probation.	Total days arrest to court to disposition; # of appearances; identify barriers and facilitating factors.	Department of Justice plus YCW files. Two project sites. Interviews with key CJS players	February/April 2009 Baseline and periodic thereafter, concluding in February/March 2010
	Salient Youth Justice Experiences elsewhere	Literature, HRM and Sydney experience	April /May and thereafter
	Informational and motivational requisites for youth and guardians' engagement.	Interviews with CJS officials, observation at Youth court, youth focus group reports, possible interviews with youths and guardians, YCW files. Two sites	May 2009 through march 2010
Objective #2: enhance the engagement and awareness of young offenders in all processing phases	Materials prepared. Preparedness and changes in behaviour and attitudes; knowledge of the possible implications of one's approach / actions; possibly more RJ referrals, less repeat offending	Court observation, YCW files, interviews with police and CJS officials, Department of Justice / RJ agency stats, possibly interviews with youths /guardians	Baseline over the next three months and periodically thereafter, especially in final phase January- February 2010
Objective #3: information to young offenders and parents/guardians re arrest, court processing etc and community services; YCW support activities and referrals	Identification of needs and gaps. Contacts with and referrals to appropriate community services. Brochure and other material produced. Direct supports activities.	YCW files and outputs. Interviews with "high-end" service providers and CJS role players. Possible interviews with youths and guardians. Two site comparison	Baseline February –May, 2009 and periodically, thereafter, especially in last quarter of the project's life in fiscal 2009-2010

## **WORK ACCOMPLISHED**

In keeping with the evaluation design, the emphasis was placed on literature review, baseline one-on-one interviews with key criminal justice officials in the Truro and New Glasgow areas (police, crown prosecutors, defence counsel, probation officials and judges), accessing and analyzing contextual secondary data, and meeting with the Youth Court Liaison Worker (YCLW) and the project manager as well as attending eight advisory committee meetings in Truro and two in New Glasgow. Approximately 30 trips have been made to Truro and three to New Glasgow. There was no direct contact with the primarily targeted users of the service, whether the youths or their parents / guardians, simply because little meaningful or substantial relationship had been established with any of them by the YCLW workers until the very last weeks of the project.

The salient literature accessible on the youth court liaison role has been quite modest even when supplemented by extensive web searches (i.e., googling “youth court liaison” and similar phrases). Most of the items discovered have been proposals and announcements while rare have been detailed descriptions or substantial assessments. Three themes have been noted in the sparse literature, namely an emphasis on the youth court liaison role for responding to special racial/ethnic groupings (e.g., Aboriginals in Canada and Australia / New Zealand, Somalis in Ottawa), the provision of such services, usually by social workers, for youths who are considered serious offenders or have special challenges (e.g., mental disorders), and a broad characterization of the youth court liaison role to include, if not emphasize, a navigator function linking the worker and the young client with other programs and social services.

The literature reviewed at length particularly concerns the youth court liaison role among the Mi’kmaq in Nova Scotia, a service provided by Mi’kmaq Legal Support Network (MLSN), and the youth court liaison service in Halifax Regional Municipality provided under the auspices of Nova Scotia Legal Aid. The basic literature on the Mi’kmaq court worker program has been Clairmont and McMillan (2001, 2006) and it has been supplemented through informal discussions with Mi’kmaq court workers. Materials from Australia and New Zealand have been helpful in considering the youth

court liaison role there for Aboriginal offenders. Background literature dealing with programs for youth, such as the restorative justice program and an earlier project in association with Probation Services (Marshall, 2004), carried out by the Truro agency administering this youth court liaison project have also been closely examined. The latter evaluation also examined the criminal justice system's response to young offenders in breach situations in the two areas being compared in this evaluation, Truro and New Glasgow (Westville). Another literature source of some value has been that associated with early case resolution initiatives across Canada which have attempted to speed the court processing of adult cases. In a major study recently completed by this evaluator (Clairmont, 2009), the significant challenges facing such efforts were clearly demonstrated and it was found that four variables in particular thwarted the early resolution objectives and were associated with longer time spans for case resolution, namely if the accused person was facing a likely jail term, was a multiple repeat offender, was charged with a violent offence and was represented by Legal Aid counsel. It will be interesting to see if the same factors are dominant in accounting for delays in the processing of youth cases.

Personal interviews with the CJS officials or role players mentioned above were conducted in the Truro and New Glasgow areas. All told there have been twenty-one such interviews of roughly 1.5 hours duration carried out. Sixteen were completed as baseline interviews and five of these role players were re-interviewed at least once again in the later stages of the project; additionally there were discussions with a handful of CJS role players at the meetings of the advisory committees for the YCLW project. The interviewees were all cooperative and generally had a positive view of the court liaison project but they also differed in their level of initial and ultimate enthusiasm for it and in their assessments of its "value-added" to the current processing of young offenders. There were some significant differences as well in how they anticipated taking advantage of the youth court liaison project (e.g., drawing upon the YCLW experience to assist in sentencing considerations) in their own responsibilities but much commonality in ultimately viewing it as marginal and of limited value as implemented. The analyses of these interviews are provided below by area and criminal justice system role. The modest

turnover among these officials coupled with the significant turnover in the YCLW role meant that only recently in the last months of the project were networking linkages stabilized especially in the Truro area. In addition, there have been a handful of interviews and email exchanges with other officials and CJS role players such as MLSN staff, the NSLA court liaison worker, and officials in the Nova Scotia Department of Justice; in all these instances the contacts have been multiple.

Several secondary data sets have been analysed to provide salient contextual information for evaluating the YCLW project. The “Community Counts” data system developed by the Nova Scotia Department of Justice has been accessed for information on socio-demographic and criminal justice factors for both Truro and New Glasgow, facilitating comparison between them and with the province as a whole. A special data set, accessed by the evaluator from the court administration data systems for 2004 and 2005, and another from Nova Scotia Corrections have provided for useful analyses of crime patterns among young offenders in the project areas. A data system created in 2009 by Nova Scotia Justice at the evaluator’s request has provided information on youth court case processing for Truro, New Glasgow, HRM and Nova Scotia as whole, over the years 2006 through 2009; the data have been analysed by year and jurisdiction along with variables including gender, type of offences and the number of days from first appearance to final appearance. The analysis of this data set is provided below. Another data source utilized has been the court dockets for Truro and New Glasgow; these data, available since April 2009 for Truro youth court but only sporadically in the case of the New Glasgow youth court, provide for some insight into the impact of a small number of repeat offenders not only on the court load but also on court processing time for different young offenders. This data set is analysed below primarily for the Truro youth court.

There have been some twenty-six meetings (often entailing long interviews) with the youth court liaison worker and the project administrator. These meetings were especially necessary since there was significant turnover in the YCLW role, namely three persons in a nine month period. In addition, the project, like most projects where successful implementation requires collaboration from other governmental services, has

encountered – despite the excellent liaison workers that have been employed - many challenges in quickly securing referrals and accessing crucial data; accordingly, detours were necessitated and alternative strategies advanced, all of which affected the timing and also the specifics of the evaluation strategies. Most significantly, the referral issues limited the potential impact of the YCLW on the criminal justice system in Truro and New Glasgow and any proposed contact by the evaluator with the targeted clients of the project. The referral problems and general low level of collaboration of police (aside from the Truro Police Service) and other CJS officials continued to challenge the project to the very end. A three month extension to the project occasioned only minimal improvement either in the YCLW project’s engagement with either CJS officials or accused youths and their parent/guardians but did help in reflecting upon and analyzing the issues facing such an important initiative. In addition to the cited meetings and interviews with the YCLW staff, the evaluator has had complete access to all YCLW worker files and to all materials, including the project’s narrative report accompanying this preliminary evaluation report.

## **CARVING OUT THE TASK**

### **The Agency and the Mandate**

In launching this initiative, as noted above, the Truro John Howard Restorative Justice agency was well suited in relevant experience with youths in trouble, well-embedded in the CJS and respected by CJS officials and community groups, and familiar in partnering with other parts of the criminal justice system in advancing special innovative projects. The agency leadership in collaboration with the regional restorative justice committee had delineated a clear set of objectives and a plan of action that was in keeping with the imperative of the funding body, namely to “develop a front-end youth court liaison worker program modeled after the Mi’kmaq program designed to get the youths properly prepared for court and reduce adjournments”. This thrust in turn closely followed the recommendations of the special justice committee that was advising on government’s response to the Nunn Inquiry. The project leaders conceived of the project



as having three phases, namely a research phase, a preparation for service delivery phase and a service delivery phase (Henderson and Miller, Narrative Report 2010). The first two phases, as described in the Narrative Report, were well-implemented despite an important staff turnover, testimony perhaps to excellent reputation enjoyed by the agency. These are discussed below in the section on project implementation.

The last phase was much less successful. Service delivery, given the interpreted mandate of the project, depended considerably on obtaining referrals (especially of course timely referrals) from the police services such that the YCLW worker could contact the charged youth prior to first appearance in court. Otherwise, the YCLW worker had to wait until the youth made a court appearance by which time given the adherence to the narrow interpretation of mandate there was little to do since the youth had contacted NSLA or was advised to do by the Court or was uninterested in the YCLW services. The police referrals generally were not forthcoming despite the considerable effort expended on trying to persuade these bodies, getting an order-in-council (this did at least yield some court dockets), and the general approval of the initiative by the same police services. Only in last scheduled months of the project was a solution achieved that could have resulted in substantially more referrals but by then the project was seen by CJS officials as ending soon. Three interlocking problems have created this Achilles heel effect, namely (a) the concentration on implementing the project's mandate solely at the front-end; (b) foregoing any YCLW role once the accused youth was in touch with Legal Aid; (c) the lack of embeddedness of the YCLW worker in the CJS system which was seen as a short-term project marginal to restorative justice agency itself. Under these conditions goodwill did not translate into close collaboration for a variety of reasons elaborated in sections below. Possible, related referral sources were not pursued because the mandate was interpreted as front-end exclusively, that is, it was far too restrictively implemented in retrospect. The project unexpectedly ran into formidable barriers in achieving its primary service mandate and did not pursue probation referrals which had been discussed at the beginning of the project nor did it engage parent / guardians to any extent or develop a strategy to deal with the indifference to the offer of assistance on the part of repeat young offenders. The turnover among YCLW workers certainly did not

help embed the program with the CJS role players either. It appears that at conclusion some of the blockages had been removed and there was an appreciation of the too restrictive interpretation of the mandate, and encouragement by CJS officials to elaborate the YCLW worker role (e.g., a court liaison navigator function as well) in order to better serve the youths and the CJS system itself.

### **The Two Sites: Truro and New Glasgow**

The two areas that are serviced in the YCLW project are similar in many respects. According to the provincial “community counts” website, and based on the categorization ‘Justice Police District”, the two small urban areas have been struggling to hold their own population-wise. Truro has barely held its population, going from 11,940 in 1996 to 11,765 in 2006, whereas for New Glasgow the decline was modestly more significant, its population going from 9915 from 9455 over the same period. Both urban areas experienced a major decline in the population’s 0-4 and 5-9 age categories over that same ten year period, a fact which indicates future population decline. Neither area has a large minority population but both do have small numbers of African Nova Scotians and nearby First Nations. Truro has had a slightly higher level of violence and property crime. Truro in 2007 had a rate of violence per 10,000 of 224 and for property of 701, while New Glasgow rates were 198 and 557 respectively. Interestingly, both sets of rates were slightly higher than those for either Halifax Regional Municipality under the Halifax Regional Police Service jurisdiction or Cape Breton Regional Municipality under the Cape Breton Regional Police Service.

It will be reported below in the section on provincial rates of youth case processing (average number of days to process youth court cases) that, in recent years, youth case processing times have been significantly less in New Glasgow. It is not clear what factors account for this difference and the accessible data do not lend themselves to more sophisticated statistical analyses. The Working Together project (2004) which involved partnering between restorative justice and probation services in the two areas also reported significant differences between the small urban areas but advanced no

underlying causes. As will be seen in the write-up of interviews with CJS officials, there are suggestions that the CJS role players in the two urban areas have differed in their approaches to youth and other justice issues but these assertions are cast in rather idiosyncratic terms (e.g., judge X has this approach, the crown here has a different policy etc) and not linked to underlying cultural or socio-economic factors so appear rather idiosyncratic; perhaps the assertion if valid attest to the significance of individual styles even in a highly regulated field such as the CJS. The YCLW project for a variety of reasons, convenience and the possibility of different perspectives among them, arranged for each area to have its own project advisory committee consisting of CJS officials; perhaps, the outcomes of the project could shed some light on the presumed differences.

### **Other Court Liaison Programs in Nova Scotia**

The two other court liaison programs in Nova Scotia are the Mi'kmaq, province-wide (three full-time staff), court worker program managed by MLSN and the youth court liaison worker employed full-time in HRM by NSLA (there is a similar program for CBRM). The YCLW worker spent a few days on-site with these two projects. The MLSN program was advanced as a possible model for the YCLW project but in the most crucial respects it is not a great fit. The MLSN court workers reportedly are minimally involved with the client prior to meeting up at the latter's first appearance. The court workers do get court dockets but rarely in such advance time that they can schedule meetings with the accused persons, and they do not receive earlier referral information from the police services with regard to the contact coordinates of and arraignment date for the young accused persons. Of course, in smaller Aboriginal communities, where kinship ties are densely intertwined, there may be significant informal networking that minimizes the lack of formal notification but that cannot be simply assumed and in fact the court workers have said that they do not usually meet the accused before first court date. Secondly, the MLSN court workers are typically more holistic in their engagement with the youth, following the file through all court phases and not withdrawing once the youth has a lawyer. Thirdly, they can, for a variety of reasons (cultural, the service's recognition in the First Nations and the program's longevity) reportedly be more

“aggressive” in shepherding the client and navigating him or her through the justice paths and possible involvement in community services and programs. Fourthly, and perhaps the most important difference, the MLSN court worker has much more embeddedness and is a court player recognized as significant and readily accepted by the CJS officials of all stamps for constitutional, policy, and common sense (knowledge of reserve life, capacity etc) reasons. The MLSN court worker has a fundamentally distinct “consultative role”. Under the circumstances, the learning model would be limited more to information about court procedure and related basics unless the MLSN court workers were probed for their insights as to why some of the accused persons they work with do not show up for appearances or breach undertaking and so forth (something that happens frequently even in the Eskasoni court according to court officials there); it does not appear that these topics were broached by the YCLW worker in their interaction with MLSN staff.

The NSLA court liaison worker is part of the NSLA front-end team. A veteran in the position, she has become a pivotal person not only for visiting the cells as well as attending court in order to arrange the legal service for the youths, but also because as a result of her longevity and effectiveness in the role, she performs other services for Legal Aid and even for other CJS role players (e.g., tracking the youth through myriad addresses etc). A busy person (just a year ago there were two court liaison workers in HRM to deal with a caseload that she held has not declined in recent years, but one retired and was not replaced) she does not do much referral of youths to local services and programs though she has done so on occasion. She could see much value-added in their being a youth court liaison role player who could take on such a task. In her view there is no especial overall problem of drawn out case processing in the case of youths; reportedly, the NSLA has a three week standard for dealing with a case from arraignment to resolution or trial. The police write up the disclosure for all cell cases within 24 hours and adhere to the Nunn-recommended standard of 21 days from arrest to first appearance and the province-wide, mandated 7 days for serious cases.

Both the NSLA court liaison worker, and the police officer through whom all youth court cases in HRM are channeled, reported that the drawn out court processing

problem for youth (and they could have added, for adult accused persons in criminal justice system) is essentially post-arraignment. They both contended, in their separate interviews, that the issue is one of “serious repeat offenders who don’t want to hurry to jail and / or are caught on other crimes while waiting to get their first case processed or who have an attitude”. The court liaison worker – and the police officer – acknowledged also the equity claim for a court liaison type position outside metropolitan Halifax, noting that small population numbers could block funding for such positions unless the worker was multi-tasked and both considered that adding, for example, a navigator dimension to the role would be a valuable enhancement. In their views, for reasons of equity and effectiveness, they would envisage a more holistic type court liaison mandate outside metro and one where the priority was on working with the minority serious repeaters who take up so much court time (“concentrating on the 15% would give bang for the buck”). The court liaison worker also commented that becoming part of the core criminal justice system response, even in one organization, such as NSLA, nevermind with other officials, takes time. She held that it would take months of “being there” in order to begin to overcome marginality, adding “it is not a matter of hostility but rather the need for time and experience to sink in”. In her view, it is a matter of equity that there be such a service in places like Truro and New Glasgow and working effectively with repeat and serious young offenders might well require such a broadly mandated role.

## **CASE PROCESSING PATTERNS**

### **THE CONTEXT: A. CASE PROCESSING TIME**

#### **Youth Case Processing in Nova Scotia, By Area, 2006-07 to 2008-2009**

Given the stringent rules developed in recent years for police to lay charges as soon as possible subsequent to arrest and usually within a week, it is not surprising that most CJS officials report that delays in case processing occur primarily after arraignment (i.e., securing a lawyer, deciding on course of action, delaying proceedings).

Accordingly, this YCLW project as noted was especially mandated to intervene at the front-end of the court processing by contacting accused youths and encouraging them to seek counsel etc even before arraignment if possible. To context the salient issues for the project, Table A provides data on case processing in youth court in Nova Scotia, comparing Truro, New Glasgow, HRM and Nova Scotia for each of the past three fiscal years. The data describe the volume of single and multiple charge cases by average processing time. Case processing time is the elapsed time, measured in days, to process a specific case in youth court from the youth's first court appearance to the date of decision or sentencing. The definition of a case is identical for each of the three years; it combines all charges against the same person having common or overlapping dates into a single case. This definition is considered to better reflect court processing because it groups all charges against an accused that are being heard simultaneously before the court. Such a definition would appear to understate recidivism in the conventional sense. The data made available by the Nova Scotia Department of Justice only provide the marginal counts for how volume and time are associated, by jurisdiction and year, with single or multiple charge cases, gender, age at date of offence, age at date of disposition and type of offence; accordingly, it is not possible to do much analysis.

The table indicates that across all jurisdictions and years, single charge cases were much less common than multiple charge cases and, not surprisingly, they consistently have averaged less processing time. Female cases of course have been much fewer than male cases and usually, but definitely not always, have averaged less court processing time than male cases across the jurisdictions and years. Considering age at time of offence, younger (i.e., 12-14 inclusive) youths' court cases took modestly more days to process but there was much variation by year and jurisdiction; essentially the same result held for age at date of disposition though here the modest difference by age was reversed. Violent offences generally took more court processing time than property and other offences by jurisdictions and years, the major exception here being New Glasgow where property offences averaged the most court processing time in all three years. Interestingly, the ratio of single to multiple charge cases, of male to female cases, and young to older youth cases remained roughly the same by jurisdiction and year. Violent

offences on the other hand generally increased in all jurisdictions over the three year period. It can be reasonably concluded that cases involving multiple charges, male youth, and violent offences would be the major contributors to court processing time.

Looking at the table by jurisdiction, the Truro court, despite a modest increase in volume, has clearly experienced a consistent decline in case processing time for both single and multiple charge cases, male and female accuseds, and both violent and property crime. There has been however an increase in elapsed time for processing cases involving younger youth, an anomaly that might be explained by the increasingly greater recourse of the Truro court to having assessments of youths completed by the IWK Youth Forensic Services specialists. In the case of the New Glasgow court, where volume has remained stable, there is no clear pattern of decline in court processing time over the three year period with respect to type of case, gender or type of offence but there has been the same pattern as in Truro of greater processing time for younger youth. It may be noted too that court processing time for cases of all types has been significantly less in New Glasgow than in Truro for all three years. As noted below, in interviews with some CJS officials very knowledgeable about both court milieus, it was mentioned that there apparently is much more transience among accused youth in the Truro compared to New Glasgow, a crucial factor apparently in causing court processing delays because of “no shows”, “can’t locate” and so forth.

The pattern in HRM has been for increasing volume of multiple charge cases, male cases and violent offences over the three years but no clear pattern of change in the court processing time associated with these types of cases. In HRM, as in Truro and New Glasgow, there has been a clear pattern of increased court processing time for cases involving youths aged 12 to 14. Nova Scotia as a whole essentially followed the patterns concerning volume and elapsed time by case type as found in the New Glasgow court. The New Glasgow court, consistently by case type and year, has had the shortest case processing times. Given the format of the data available for analyses, it is not possible to examine why case processing time varies between Truro and New Glasgow, whether explanatory factors be types of offences, proportion of multiple charge cases and / or

other variables. The common experience in all the court jurisdictions for significantly increasing elapsed court processing time for the 12 to 14 year old young offenders strongly points to more focus on getting at the roots of problems whether through seeking assessments of outside specialists, having case conferencing or other strategies. This in turn suggests that while reducing court processing time for youths may remain an important imperative, the courts are at least equally if not more concerned with other imperatives of the YCJA; as one interviewed judge commented, “there may be good reasons sometimes to go slow in youth cases and explore the roots of the problems”.