

A needs profile of serious and/or violent Aboriginal youth in prison

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There is significant research in Canada on the needs of Aboriginal offenders in the Canadian criminal justice system.² Similarly, there is more recent research on the needs profile of Canada's young offender population, with particular attention to certain subgroups of offenders, such as girls and Aboriginal young offenders.³ As with Aboriginal adults, a major policy concern is the over-representation of Aboriginal young offenders in custody. A related policy issue involves young offenders, non-Aboriginal and Aboriginal, who engage in the most serious forms of violence and/or engage in habitual or chronic patterns of offending. It is necessary for correctional facilities to identify and target the multi-problem needs profile of this segment of the young offender population, since these offenders are the ones who are most likely to receive a custody disposition following conviction, and require the most intensive and wide ranging intervention and treatment strategies. We contend that both Aboriginal and non-Aboriginal serious and/or violent young offenders are typically characterized by a range of serious and entrenched psychological, emotional, behavioral, family, abuse, substance use, education, peer, and identity problems that pose specific challenges for correctional intervention, treatment, and reintegration. The focus of this article is to describe the needs profile of serious and/or violent incarcerated Aboriginal young offenders.⁴

The findings presented in this article derive from the Vancouver Serious and Violent Incarcerated Young Offenders Study. The primary focus of this research project is to assess the impact that a period of incarceration has on a young offender's intentions and decisions to recidivate. The project was conducted at two open and two closed custody facilities in the Greater Vancouver Region, British Columbia. In total, 500 incarcerated young offenders agreed to participate in the project. Subjects participated in a one-on-one semi-structured interview that discussed a wide range of issues, including offending history, experiences with all facets of the criminal justice system, education and employment, family life and living situation, drug and/or alcohol use/abuse, physical and mental health, sexual and physical victimization, peers, identity formation, and attitudes towards various sentencing models, including restorative justice initiatives. In addition to the interview, each participant's institutional file was reviewed. This file review provided additional information on each youth and served to corroborate the information obtained in the interview. The research protocols required that every youth sentenced to one of the participating youth custody facilities be approached, resulting in a response rate of 93%. The primary reasons for not participating in the research project were that the interview time conflicted with either a scheduled visit or a scheduled program.

Current and Past Offences

Of the 500 participants, 100 (20%) self-identified as being of Aboriginal descent. The 20% of the sample identified as Aboriginal constitutes a substantial over-representation of Aboriginal youth in British Columbia's youth custody facilities. The disproportionality is greater for Aboriginal girls since

they represent 35% of the Aboriginal sample, compared to 21% of the non-Aboriginal sample. The gender distinctions for both samples is important since it is increasingly evident that the needs profile of incarcerated serious and/or violent young female offenders is significantly different from males.⁵ Therefore, separate needs profiles for Aboriginal female and Aboriginal male offenders are presented. The age range for both samples is between 12 and 18, with the mean age for Aboriginal male offenders being 16.2 and 15.8 for females (14% of the male sample and 12% of the females were 14 years old or younger).

An examination of the offenders' current and past criminal histories for the Aboriginal youth in the sample demonstrate that these youth are in dire need of effective intervention and treatment programs (see Table 1). In terms of their current offence, using the Uniform Crime Reporting system⁶ to code the youth's most serious charge that resulted in their current conviction, for the Aboriginal youth, 5% of the males and 9% of the females are incarcerated for murder. This is even more troubling when one considers that of the original 500 participants in the study, 14 youth were convicted of murder and one-half of these are Aboriginal. Equally disturbing is the higher murder figure for Aboriginal females than males. This finding, however, should not be interpreted to suggest that Aboriginal female young offenders are more likely to engage in murder than male young offenders. Rather, this finding is more likely an artifact of when and where the research was conducted. With respect to the youth's current most serious offence, 41% of males are incarcerated for a violent offence, while this is the case for 34% of the females. While the findings for Aboriginal and non-Aboriginal males were similar (41% and 43%, respectively), a smaller proportion of Aboriginal than non-Aboriginal girls were incarcerated for a violent offence (34% versus 42%). Corrado, Odgers, and Cohen argue that the high rate of custodial sentences for females convicted only of delinquent offences is a policy concern. They maintain that the use of custody for minor offences reflects judicial and probation officers' concern for both the special needs of female young offenders and patriarchal notions of protection.⁷ Specifically, a large portion of the Aboriginal girls in the sample were incarcerated for behaviours related to their participation in the sex trade.

Table 1

Current and past criminal history				
	Aboriginal males	Aboriginal females	Non-Aboriginal males	Non-Aboriginal females
Most serious current offence:				
Murder	4.6%	8.6%	1.4%	2.5%
Sex offences	1.5%	2.9%	1.7%	0.0%
Robbery and assaults	35.4%	22.9%	40.2%	39.3%
Property offences	43.1%	20.0%	15.2%	36.1%
Delinquent offences	15.4%	45.6%	20.6%	43.0%
Most serious lifetime offence:				

Murder	6.2%	8.6%	1.7%	2.5%
Sex offences	4.6%	2.9%	4.1%	2.5%
Robbery and assaults	52.3%	51.5%	68.9%	62.0%
Property offences	35.4%	28.6%	23.6%	26.6%
Delinquent offences	1.5%	8.4%	6.4%	6.4%
Current sentence length:				
Mean amount of probation	15 months	15 months	15.5 months	15.5 months
Mean amount of open custody	65 days	43 days	102 days	77 days
Mean amount of closed custody	139 days	14 days	204 days	427 days
Lifetime sentence length:				
Total time of probation	43 months	31 months	37 months	30 months
Total time of open custody	190 days	82 days	52 days	32 days
Total time of closed custody	219 days	109 days	67 days	30 days

Over their entire criminal careers, 63% of the Aboriginal male and female young offenders have had at least one conviction for a violent offence, which is less than among non-Aboriginal male and female young offenders (75% and 67%, respectively).

Using the cutoff of four or more convictions to establish chronicity,⁸ 55% of Aboriginal male offenders and 43% of the Aboriginal female offenders can be classified as a habitual or chronic offender. It is interesting that both genders have a mean age of 14.4 for their first contact with the criminal justice system. However, when you consider the mean number of convictions for these youth by their mean age, these offenders are engaging in a large number of offences in a relatively short period of time. Young offenders who have been convicted of at least one violent offence and have at least four prior convictions require the most intensive rehabilitation and treatment strategies as there is a high correlation between serious and/or violent offending and violent recidivism following release from custody.⁹ In addition, high levels of chronicity indicate that previous attempts at rehabilitation with these youth have failed.

Given that this sample is exclusively a custodial sample, all offenders received either an open or closed custody disposition. All probation sentences, therefore, are in addition to a period of incarceration. Both Aboriginal male and female young offenders received, on average, 15 months of probation. It is interesting to note that while the non-Aboriginal sample received considerably more time in custody for their current offences, both male and female Aboriginal young offenders have spent significantly more

time in custody over their lifetimes. Over their lifetimes, Aboriginal male offenders have been sentenced, in total, to an average of 43 months probation, while Aboriginal female offenders have been sentenced to a total of 31 months of probation. In addition, both Aboriginal male and female offenders have served a significant period of time in custody, especially considering the fact that their mean age is 16. Over their lifetime, Aboriginal male offenders have spent, on average, a total of 409 days in either open or closed custody, while Aboriginal female offenders have spent, on average, a total of 191 days in custody. Not only do these custody and probation figures speak to the seriousness of these Aboriginal offenders and their offences, but it also suggests that custody facilities may have a significant period of time in which to implement treatment and rehabilitation programs to address the needs of these young offenders.

Education

In terms of education needs, the Aboriginal youth in this sample pose several serious challenges. First, only 46% of Aboriginal males and 54% of Aboriginal females were enrolled in school at the time that they committed their current offence. Similarly, 52% of the non-Aboriginal males and 53% of the non-Aboriginal females were enrolled in school. The mean grade completed, by both those who were enrolled in school and those who are not enrolled in school, for both genders, is grade 8 for the entire sample. Keeping in mind that the mean age of this sample is 16, these youth are two to three academic years behind their peers.

For the Aboriginal youth in the sample, when considering their attendance at school when enrolled, 94% of males report skipping school with 57% of those reporting frequency rates of daily to a few times a week. Fully, 91% of females report skipping school with 71% of those reporting frequency rates of daily to a few times a week. Also, 96% of the boys and 85% of the girls report getting into trouble at school. It should be noted that getting into trouble at school is operationalized as behaviour that could result in suspension or expulsion. The most common forms of trouble for both genders of Aboriginal youth are physical fights with students, teachers, and administrators, drug use, cheating, and truancy. It is also troubling to see the age at which these behaviours begin. Aboriginal male offenders report a mean age of 10 years of age for getting into trouble at school, while Aboriginal girls report a mean onset age of 10.6 years. Another important indicator of poor commitment to school is the number of times that these Aboriginal youth have changed school when not required by academic graduation or grade advancement. Males report changing schools 5.88 times, while females report 4.94 school changes. The educational needs of these Aboriginal young offenders is extremely important given the low commitment to school and the significant degree of academic failure. While in custody, these youth clearly require education programs and strategies that will foster self-esteem, improve their overall reading and writing skills, and build a positive attitude and commitment to education.

Home Life

An examination of the Aboriginal offender's living situation and family background adds to their complicated needs profile. At the time that they committed their current offence, 42% of males and 35%

of females were living with a member of their immediate family. For the non-Aboriginal sample, 49% of the males and 36% of the females were living with a member of their immediate family. It must be noted that for both samples, the majority were living in single-mother households, where the mother was either unemployed or employed in a low-paying job. In addition, for the Aboriginal sample 33% of males and 56% of females were either living alone, on the streets, or as a ward of the state. For the non-Aboriginal youth in the sample, 45% of males and 63% of females were living alone, on the streets, or as a ward of the state. Related to their participation in the sex trade, many of the females in the sample were living in conditions that put them at risk, not only for offending, but for their personal well-being, such as living on the street or with their pimp.

For the entire sample, their primary home is characterized by high levels of dysfunction, both in terms of their relationships with their primary caregivers and the linear family histories of these caregivers. For the Aboriginal youth in the sample, 76% of males and 97% of females report that they have left their primary home on their own volition to live somewhere else. For Aboriginal boys, the earliest age that they decided to leave their primary home is 12.1 years old, while for girls the earliest age is 11.47. Moreover, these youth are leaving their primary homes quite frequently. Aboriginal males have left their home, on average, 9.54 times, while females have left their home 14.97 times. They report being kicked out of their homes an average of 2.53 times beginning at age 14, while females report being kicked out of their homes an average of 3.43 times beginning at age 13.5. Perhaps the most striking finding is the mean number of places, other than their primary home, that these Aboriginal youth have lived at for 3 months or more. Males report living, on average, in 9 places other than their primary home, while females report that they have lived, on average, in 13 other places. This level of mobility, and the weak family, education, peer, and work bonds that high levels of mobility create between a youth and their caregivers form a central aspect of these youth's needs profile. While youth custody facilities are, by their very nature, transitory, and should not be used to provide a degree of stability for offenders, treatment and rehabilitation programs could focus on teaching youth to identify and resolve interpersonal problems in pro-social, productive ways.

In addition to high rates of mobility, Aboriginal serious and violent young offenders are characterized by extremely high levels of family dysfunction (see Table 2). In all categories, Aboriginal youth have higher rates than their non-Aboriginal counterparts. The vast majority of both Aboriginal males and females report that at least one family member suffers from alcoholism and drug abuse. The results also found high rates of family members being a victim of physical abuse, and 58% of the females report at least one family member being a victim of sexual abuse. Moreover, more than two-thirds of the Aboriginal sample report that at least one family member has a criminal report. As such, not only do these youth require more stability in their family life, and strategies and techniques to assist them in developing stronger family bonds, they may also be in need of mentors and/or positive role models from within their families and communities to assist them in making the transition from offender to pro-social members of their communities.

Table 2

Family dysfunction				
	Aboriginal males	Aboriginal females	Non-Aboriginal males	Non-Aboriginal females
Alcoholism	85.9%	88.2%	70.6%	45.3%
Drug abuse	73.8%	73.5%	57.1%	55.3%
Victim of physical abuse	53.3%	75.0%	44.5%	55.4%
Victim of sexual abuse	19.3%	57.6%	17.3%	33.8%
Mental disorder	16.1%	29.4%	21.8%	32.0%
Criminal record	78.1%	70.6%	66.9%	69.3%
Foster care	68.9%	81.8%	30.8%	32.9%

Personal Issues

In terms of their own level of dysfunction, Aboriginal serious and/ or violent young offenders present a myriad of problems since 95% of males and 94% of females report using drugs. While this is not surprising in a sample of serious and/ or violent young offenders, the types of drugs being used and their frequency is quite alarming. If only those drugs that the Aboriginal offenders use daily or a few times a week are considered, 81% of males and 60% of females report marijuana use, 12% of males and 43% of females report crack use, 8% of males and 17% of females report heroin use, and 6% of males and 31% of females report cocaine use. While the rates of hard drug use is high for both genders, the level of hard drug use is extremely alarming for the Aboriginal females in this sample. Moreover, the age of drug use onset is very young. The age of onset for Aboriginal males is 11.11 years old, while it is 11.91 for Aboriginal females. Age of onset for alcohol use is 11.63 for Aboriginal males and 12.66 for Aboriginal females with 94% of males and females reporting using alcohol. Obviously, a key characteristic of these offenders' needs profile is effective substance abuse programs that target the physical, emotional, and psychological addictions of drugs and alcohol. Rehabilitation and treatment strategies are far more problematic and challenging when implemented with drug addicted youth. However, these youth do not present with one need, but a myriad of serious needs.

The treatment of Aboriginal young offenders is likely to be ineffective if the focus is exclusively on the drug and alcohol problems of these youth. For example, both samples of youth have experienced high rate of physical and sexual abuse. Fully, 43% of Aboriginal males and 80% of Aboriginal females report being the victim of physical abuse, while 37% of non-Aboriginal males and 55% of non-Aboriginal females report being a victim of physical abuse. Moreover, 13% of Aboriginal males and 65% of Aboriginal females (compared Table 2 to 12% of non-Aboriginal males and 45% of Family dysfunction non-Aboriginal females) report being a victim of sexual abuse. A youth's sexual and physical abuse history has to be central to any treatment strategy as the interaction between, for example, drug and/ or alcohol use, being a victim of sexual and/ or physical abuse, and participating in the sex trade has to be considered simultaneously. A multiple needs treatment strategy is even more important given that substance use/ abuse and being a victim of abuse are key risk factors for violence and other offending

behaviours.¹⁰ This policy challenge is further complicated since it is variables interact. In other words, the needs of these youth require a holistic strategy that considers their multi- problem profile, rather than a large number of unrelated programs that deal exclusively with one problem or another. As such, any needs profile of Aboriginal serious and/ or violent incarcerated young offenders must take into consideration their high rates of drug and alcohol use and their histories of being physically and/ or sexually victimized.

Moreover, Aboriginal incarcerated young offenders present a wide range of mental health concerns and issues surrounding anger management. In evaluating the findings below, it must be kept in mind that these are self- reported mental health measures with the corroboration of official diagnoses. Still, one of the most commonly diagnosed mental disorders for all youth is Attention Deficit Hyperactivity Disorder (ADHD). On a self- report indicator of ADHD, 33% of Aboriginal males report that, in the past, either a parent, teacher, counsellor, psychologist, or psychiatrist has told them they have ADHD, while 20% actually believe that they suffer from this disorder. For Aboriginal females, 18% have been told they have ADHD, while 16% believe that they have this disorder. Moreover, 61% of Aboriginal males and 62% of Aboriginal females report that they get angry easily and have trouble controlling their tempers. In addition, 23% of the entire Aboriginal sample thinks they have a mental disorder. The most commonly cited disorders include depression, schizophrenia, and anti-social personality disorder. Given these self-report rates, it is surprising that only 50% of Aboriginal males and 60% of Aboriginal females have been sent for a mental health assessment while in custody. Based on other research, the needs profile for Aboriginal serious and/or violent young offenders must include assessment and treatment strategies to deal with a number of mental health issues, such as ADHD, conduct disorder, fetal alcohol syndrome, fetal alcohol effect, and anti-social personality disorder.

A final important consideration in a needs profile of Aboriginal serious and/or violent young offenders is peer groups. Three-quarters of Aboriginal males and 85% of Aboriginal females report that their peer group is delinquent. As discussed above, with respect to family dysfunction, it is important to provide these youth with mentors and role models that can serve to assist youth in developing supportive, pro-social peers.

Aboriginal incarcerated serious and/or violent young offenders are multi-problemated youth. They are not simply drug and/or alcohol addicted, but have poor commitments to school and employment, come from highly dysfunctional homes, have high rates of mobility, weak pro-social bonds, are victims of sexual and/or physical abuse, have a myriad of personality and mental disorders, have poor cognitive and interpersonal skills, delinquent peers groups, and exhibit a chronic offending lifestyle. For Aboriginal females, while similar in many respect to their Aboriginal male counterparts, their needs profile are more strongly connected to life on the street and the sex trade. Female drug and alcohol abuse patterns further increase their risk of being physically and sexually victimized. In order to meet the needs of Aboriginal incarcerated young offenders, a holistic treatment strategy that addresses the entire complex of interrelated problems is required. Moreover, the most effective approaches are likely those that reflect and incorporate the traditions and culture of Aboriginal young offenders. Implementing culturally-sensitive and culturally-centered rehabilitation and treatment strategies, such as the use of sweat-lodges, healing circles, Aboriginal community members as role models or mentors, and

smudging, are likely to be more effective in meeting the needs of Aboriginal young offenders in custody.

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