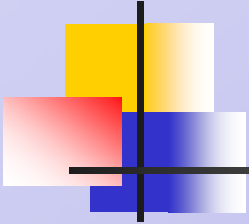
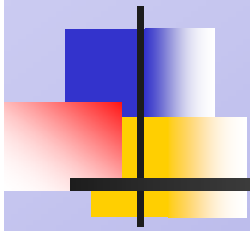


Youth Justice Assessment Services



“Things to Know
Once the Justice System is Involved”
Honouring Nick Bala & the Y.C.J.A.
Kingston, Ontario.
May 8, 2009

"Young People in Trouble with the Law"



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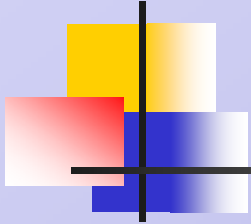


Our Centre (CCFJS or LFCC)

- Our work with families in the Court System;
 - Youth Justice Assessments (Section 34 YCJA),
 - Youth Mental Health Court Worker (YMHCW),
 - Clinical Support Program (Counseling, Nursing, Psychology & Psychiatry)
 - Child Witness Program (CWP Court Support),
 - Custody & Access Assessments (Section 30 CLRA)
 - Child Welfare Assessments (Section 54 CFSA),
 - Assessment & Expert Testimony,
 - Research and Program Development,
 - Training Initiatives & Consultations.

The Role for Psychological Service Providers.

- Consultants on all teams & to other agencies
- Team assessments include psychological services
- Provide treatment services
- Research, writing, & training workshops
- Placement, practicum, internship, & post-doc fellowship opportunities
- Clinical supervision
- Expert testimony & input to Courts



Troubled Youth

- How have youth in trouble with the law been addressed?
- What has been proposed to address this issue in legislation?
- Assessment work (case management, social work, psychological & psychiatric services) has occurred under all the legislations.



Historical Background

- Three Federal Legislations that we have come to hear about in our time
- The Juvenile Delinquency Act (JDA) of 1908
 - Treatment & welfare oriented model
 - Focus on bad/incorrigible behaviors,
 - open time lines for sentences



Historical Background (cont'd)

- The Young Offenders Act (YOA) of 1984
 - Model to balance safety of society and protection of youth rights
 - Lead to growth in youth in custody
 - Increased costs



Historical Background (cont'd)

- The Youth Criminal Justice Act (YCJA) of 2003
 - To balance Accountability and Rehabilitation
 - With Less custody,
 - Diversion initiatives at various stages
 - Other unique options
 - Extrajudicial measures (warn, refer, caution, sanction)
 - Restorative justice efforts (note it should be considered for pros/cons, especially as it relates to impact on victims)
 - Youth Sentences (least restrictive, & less custody)
 - Conferences
 - YMHCW program



YCJA possible options

- Extrajudicial measures (open to police & crowns)
 - Take no further action, provide a caution, provide a Warning
 - Referral to services, and
 - Extrajudicial sanction
- Pre-trial procedures
 - Interim release
 - Detention
 - Placed in care of responsible person willing to take them
 - Elect mode of trial (i.e., judge, judge & jury etc.)
- Assessment (sec. 34 report) to aid treatment & sentencing
- Youth Sentences (new options now available)
- Conferences,
- Mental Health Provisions, etc.

Before imposing a Youth Sentence [s.42(1)]

- Court to consider
 - Conference recommendations (if held)
 - Prepared Pre-sentence report (PSR)
 - Pre-sentence Assessment (PSA) if done
 - Representations made by parties
 - Representations from Youth's parents
 - Other relevant info before court



YCJA & Youth Sentences

Includes details of supervision portion of all sentences

- Focus in Youth Sentences:

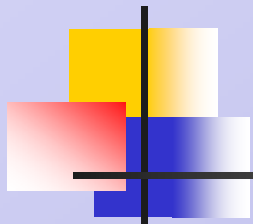
- Least restrictive sentence
- Proportionate to seriousness of offence
- Provide meaningful consequences
- Promote sense of responsibility in youth and acknowledge harm done to victim
- Promote rehabilitation & reintegration with protection for society
- Considers alternatives to custody & also considers unique circumstances of aboriginal youth



Y.C.J.A. (sec. 34 assessments)

- Court-Ordered Evaluation of Youth
 - Learning disabilities
 - Emotional difficulties
 - Psychological &/or Psychiatric assessments
 - Risk to re-offend
 - Contextual questions – culture, family, school, peers, trauma, mental health, etc.
 - Although court ordered; we still require consent of youth and family to commence the assessment.

Youth Justice Assessment Team



- Part-time (administrative support, intake & opportunities for students)
- Two Family/Social Workers
- One registered Psychological Service Provider
- Limited time from Consulting Psychiatrist
 - Sec. 34 report completed in 4-6 weeks as ordered by court to provide sentencing suggestions &/or recommendations to court.
 - Funded service by couple of ministries



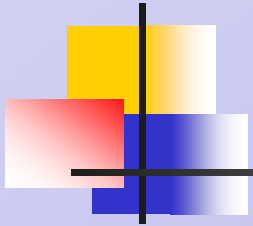
Best Practice Framework

- MULTI-SESSION EVALUATIONS
- MULTI-DICIPLINARY INPUT
- NEUTRAL/IMPARTIAL/UNBIASED
- INPUT FROM MULTIPLE CONTEXTS
 - Homes/Police/Community/School/Relatives/CAS
- MULTI-SOURCE ASSESSMENT
 - Interviews, Testing, & Observations
 - Collateral contacts/information
 - Case formulation & feedback incorporated
 - Treatment & sentencing suggestions offered



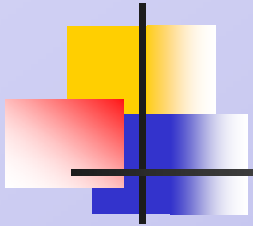
Things to keep in mind

- **A THOROUGH HISTORY IS THE CORE OF A GOOD ASSESSMENT**
- **A GOOD GENOGRAM HELPS DEPICT THE RELEVANT DATA**
- **TEAM WORK ENSURES TIME LINES CAN BE MET BUT REQUIRES TRUST**



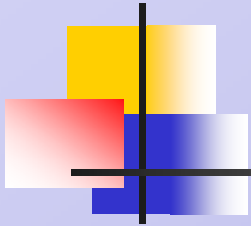
Family Assessment Process

- Process with parent(s)/guardian(s) includes:
 - Developmental history taken plus
 - Family history and interviews
 - (stressors, domestic violence/child maltreatment, criminal involvement, work/school history, social network/supports, plans/goals)
 - Collateral contacts made and processed with parent(s) and youth
 - what has helped or why not?
 - Interview of key relatives
 - if relevant to the case



Youth Assessment Process

- Clinical interviews conducted
- Psychometric testing
 - focus on degree of impulse control [Connors scales],
 - cognitive/problem solving skills, [Intelligence, Adaptive Behavior functioning, memory, academic achievement]
 - personality style, emotional health, [APS, MMPI-A, MACI, BPI, Projective tests, etc.]
 - beliefs/attitudes [FAM, YSR], & observations [ongoing],
 - Specific self-report measures [Anger, TSCC, Anxiety, Depression, Substance use, Suicidal ideation, etc]
- Feedback - interviews/testing/observations
- note support network available
- Openness/readiness for treatment



Further Data

- Relevant Observations
 - Youth & parent(s) interactions and interrelationships
 - Feedback with youth & parent(s) about the observations
 - Observations of how youth relates to male/female assessors
 - Data from observations of youth in other contexts



Continued Data Collection

- Process regarding Youth & Collateral Data gathered: (note with consents)
 - Input from caregiver(s) such as foster parent(s) and/or CAS workers
 - Police/probation data related to relevant charges/convictions, engagement
 - School information critical, (academic progress, behavior, attendance, extra-curricular activities)
 - Input from doctors, counselors, treatment groups
 - Employment activities, etc



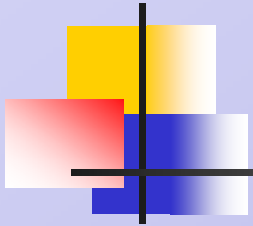
How Other Services Help

- Assessors may seek collateral information from you/your school/board/agency about the youth
- More than attendance records is needed; good details on academic progress, starts/stops helps
- Graphic details of therapy is not required
- If you have seen family interactions, say so and what is noted (+/-)
- Often good idea to discuss with client how you see it so they are not surprised about the details provided to assessors
- Let client know what you are sending/sharing such as improvements made, motivation for change evident.



Bridge to community services

- Often sec. 34 assessment provides “Bridge”
 - What services tried before and outcomes?
 - Are they open to counseling suggestions, treatment readiness, etc.?
 - If sentenced to custody time, what treatment suggestions noted for follow up?
 - Connection to probation and follow up options
 - Further evaluations to be considered (fire, violence, sexual offending)



Further Specialized Analyses

- Some cases require Specialized Assessments:
 - (1) TAPP-C Fire risk Assessment Report
 - [Centre for Addiction & Mental Health (CAMH)]
 - By MacKay, Henderson, Root, Warling, Gilbert & Johnstone, (2004) Clinicians Manual version 1.0
 - Toronto Arson Prevention Program for Children
 - Specific protocols for interviews & evaluation
 - Development of Treatment planning



Sexual Offending Assessments

(2) Sexual offending referrals:

- Analyze sexual offending dynamics, sexual attitudes/beliefs,
- Determine characteristics of victims
- Analyze previous progress in treatment (individual & group)
- Acceptance of responsibility for behaviors
- Family's support and willingness to be involved in assessment/treatment



Factors predicting violence

- 3) Assessing Violence: As first noted by Hawkins et al. 1998 and recently reported by McCann & Lussier, 2008, it was suggested that;
 - “pregnancy, parental criminality, discipline styles, mental illness, early antisocial behavior (before 12, disobedience, destruction), dishonesty, hostility, or deviant/violent attitudes, as well as school factors such as attendance, truancy, achievement, and involvement can be important in the prediction of violent behavior in late adolescence and early adulthood.” [p.378]



Additional Assessments

- Finally, in some cases a Sec. 34 assessment is required to also include:
 - Medical assessment
 - Psychiatric consultation
 - Fitness to Stand Trial evaluation, etc.



Report Recommendations

- Outline what appears to be best direction for the Youth. [Courts are looking for details on clinical needs, as well as sentence suggestions.]
- To be helpful, include treatment suggestions, locations for services, timeframes to expect, phone numbers, etc.
- Offer opportunity for further consultations and/or updated assessment should circumstances change
- Caution about report information, time-limited nature of report, & focus of report to ensure not used for other purposes

Future assessment needs of some youth

- What future assessments might also be needed and require further referrals?
 - Assessment related to Brain injury
 - Ontario Disabilities Support Program evaluation
 - Career options & counseling
 - Assessment for Fetal Alcohol Spectrum Disorder
 - Neuropsychological Assessments



Youth Mental Health Court Worker Program (YMHCW)

- YMHCW is a new short-term bridge between systems (crown, defense, family, medical, housing, CAS, etc.)
- Focus on transitional youth 16-17
- Youth with mental health problems
- And youth who engage justice system
- Now reframed as “Therapeutic Court”



YMHCW Program Goals

- Divert young people away from courts & custody while
- Addressing individual (i.e., housing) & mental health (psychiatric consultations) problems, and to
- Manage them within the community, by
- Link/re-linking youth/family with needed services



Clinical Supports Program CSP

- Trained clinicians from various disciplines providing counseling to families and their youth
- Available in custody/detention, community agencies providing residential care for youth
- Primarily short-term, crisis oriented, and designed to have clinician follow the youth across settings.



Recent CSP Expansion

- Part-time psychiatrist, f/t mental health nurse, and f/t psychological service provider (registered) offer community consultation around adolescent mental health challenges.
- Expanded role for treatment services and assessment/consultation to other agencies.
- Ongoing research/evaluation to be completed.
- Ministry funded service (CSP & Expansion)



Cautions/Precautions

- Make it clear that reports are time-limited
- Re-evaluations may be needed for a variety of reasons
 - change in family dynamics
 - Period of time passed & new questions arise related to what has changed
 - New charges before the court



Cautions/Precautions (cont'd)

- Our involvement – whether to assess, give evidence in Court, or in follow up contacts – should be to provide helpful clinical consultation
- Our efforts should cause no harm – even when giving tough news to clients
- Treating people with respect goes a long way towards promoting acceptance/change & helping to hear difficult news
- Professional Development of Assessors needs to be ongoing and responsive to changing contexts/issues.



Some Helpful References

- APA Guidelines for Psychological Evaluations in Child Protection Matters (1998) care of www.apa.org/practice/childprotection.html
- Dodge, K.A. (2008). Framing Public Policy and Prevention of Chronic Violence in American Youths. *American Psychologist, Vol. 63, No. 7, pp. 573-590.*
- “Evaluating Competencies: Forensic Assessments and Instruments” 2nd edition by Thomas Grisso (2003), Kluwer Academic/Plenum Publishers, New York. (See chapter 7 on “Parenting Capacity” by Randy K. Otto & John F. Edens.)
- “Forensic Psychology: From Classroom to Courtroom” edited by Brent Van Dorsten (2002), Kluwer Academic/Plenum Publishers, New York. (See chapter 8 on Child Custody Evaluations by Philip Stahl and chapter 9 on Child Abuse by Seth Kalichman).
- Hawkins, J.D., Herrenkohl, T., Farrington, D., Brewer, D., Catalano, R., and Harachi, T. (1998). A review of predictors of youth violence. In R. Loeber, & D. Farrington (Eds.). *Serious and violent offenders: risk factors and successful intervention* (pp. 106-146) Thousand Oaks, CA: Sage.



Some References (cont'd)

- “Introduction to Forensic Psychology: Clinical and Social Psychological Perspectives” by Lenore E.A. Walker & David Shapiro (2004), Kluwer Academic/Plenum Publishers, New York. (See section IV on Family Law and Fitness to parent).
- McCann, K. & Lussier, P. (2008). Antisociality, Sexual Deviance, and Sexual Reoffending in Juvenile Sex Offenders: A Meta-Analytical Investigation. *Youth Violence and Juvenile Justice*, Vol. 6, No. 4., 363-385.
- Steinhauer, Paul (1991) *The Least Detrimental Alternative: A Systematic Guide to Case Planning and Decision-Making for Children in care*. University of Toronto Press, Toronto, ON. Canada.
- Youth Criminal Justice Act “YCJA” (2003), Department of Justice, Canada
- YCJA Explained: Youth Criminal Justice Act Explanatory materials [CD], September 2002.
- Youth Criminal Justice Act Canada 2003, Ontario Pocket Guide, based on “Moving Forward: Pocket Guide to the Youth Criminal Justice Act Canada developed by Department of Justice, Province of Nova Scotia, copyright holder.”