



# *Street Justice*

## **Homeless Youth and Access to Justice**

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This report has been prepared for **Justice for Children and Youth**. It is a preliminary summary of the findings of research conducted in 2001-2002, in order to evaluate the legal and justice issues of homeless and street involved youth in Toronto. Justice for Children and youth staff who have contributed to this project include: Mary Birdsell, Naomi Johnson, Martha Mackinnon and Andrea Monahan.

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# 1.0 Introduction

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As the numbers of homeless youth have become visibly larger on the streets of Toronto over the past ten years, there has been a simultaneous increase in public attention directed towards this marginalized population. Whether through renderings of street youth life in the popular press, or through public comments and debates by politicians at all levels of government, or more tangibly, through encounters with more and more homeless youths on street corners throughout Toronto, street youth are certainly more ‘visible’ to the general public than they have been in the past. In some cases, the public debate has rendered a more sympathetic portrayal of street youth, reflecting an understanding of the role that difficult home lives (physical and sexual abuse, etc.) play in creating homelessness, and consequently the struggles such youth face in moving forward with their lives once on the streets.

At the same time, a contrary discourse has flourished that portrays street youth as scary, dangerous and delinquent; as, for instance, petty criminals brandishing squeegees, who threaten car drivers in downtown Toronto and chase away tourists. This perspective has been central to political debates at the municipal and provincial levels, where politicians have been advocating for laws, policies and police actions designed to contain and control the activities of homeless youth. This view of street youth is well over a hundred years old, and is connected to popular and enduring notions of delinquent street urchins from the 19<sup>th</sup> century. Street youth become characterized as kids who are ‘bad’ or ‘delinquent’ (or more generously, troubled or misguided), who leave home for fairly insignificant reasons attracted by the excitement and action of the downtown streets large urban centres (like Toronto). Once on the streets, they get and get involved in delinquent activities and as a result put the health and safety of the general public at risk. It is ‘they’ who are causing problems for ordinary citizens. It is ‘they’ who are driving away tourists and making the streets unsafe.

This perspective has its common solutions rooted in a law enforcement strategy. That is, the best solution to the street youth problem is to ‘control’ what is perceived to be deviant and delinquent behaviours of homeless people through the acts and laws of municipal and provincial governments and at their behest, through the police. This has been most clearly manifest through the passing of the Safe Streets Act by the provincial government (2000) to make ‘squeegeeing’ and ‘aggressive panhandling’



illegal in Ontario, through ongoing calls by municipal politicians for the police to ‘crack down’ on street youth, and through what some see (including many homeless people) as greater efforts to increase police surveillance of the homeless through “Community Action Policing” (in the summer of 2000 and 2001). All such activities routinely occur in the name of community and public safety.

It is argued here that such repressive measures are not altogether unusual responses to the actions of marginal and powerless groups in North America. What is missing from this picture is an understanding of where street youth can and should fit in. That is, in public safety debates, to what degree are street youth conceptualized as either part of the ‘community’ and the ‘public’, and thereby worthy of public safety measures, or whether they are outside of it? This is an important question, as policy decisions, new laws, funding for programs and directives to police officers all hinge on how the public, politicians, police officers and other decision makers frame their understanding of the lives of street involved youth, and take actions accordingly.

# 1.1 Understanding the Legal and Justice Issues of Homeless Youth in Toronto

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In the summer of 2001, Justice for Children and Youth (a community Legal Aid Clinic) undertook a needs assessment in order to ascertain the range of legal and justice issues that street youth face. Based on the experience of Justice for Children and Youth lawyers working with street youth (and that of other street youth serving agencies), it had become clear that the public focus on street youth as a ‘problem’ was missing an important point. To see street youth merely as criminals ignores the fact that many street youth are more characteristically the *victims* of crimes, harassment and discrimination, than they are the perpetrators. This, of course, has an impact on the lives of street youth as it impairs their ability to move forward and take the steps necessary to get off of the streets.

The range of legal and justice issues that street youth face are varied and complex. It involves not only their own illegal behaviours and involvement in the criminal justice system, but also their experiences as victims of crimes. It also involves difficulties they experience with employers, landlords and the police, as well as problems relating to family law and in some cases immigration. This research has been undertaken to make sense of this broad range of issues and experiences, and importantly, to understand when and under what conditions street youth can and/or should advocate for their rights and seek legal help.

*The goals of this research project are thus as follows:*

- **To conduct quantitative and qualitative research on the lives of street youth .**

Over the past several years, there has been a growing body of literature that documents the lives of street youth in Canada and elsewhere. This

research complicates popular notions of who street youth are, where they come from, why they are on the streets, and how they survive. This extensive study will contribute to this literature and expand our understanding of street youth lives through an examination of the range of legal and justice issues that they continuously face.

- **To examine a range of legal and justice issues related to housing, employment, family law and immigration**

Because they are young, inexperienced and lead chaotic lives, homeless youth often experience problems with landlords and employers, for instance. In many cases it is clear that street youth are actively exploited by unscrupulous individuals. Other street youth struggle with family law issues stemming from their involvement in the child welfare system, either as children, or as young parents. Finally, a growing number of homeless youth in the 'shelter system' are refugees and immigrants who must deal with resulting settlement issues and problems. This broad range of legal and justice issues looms large in the life of homeless youth who, as inexperienced and alienated youth with little money, are often unable to properly advocate for their rights.

- **Investigate street youth experiences of both criminal victimization and illegal activities**

In recent years, the public debate about the relationship between homelessness and crime has emphasized the role of street youth as perpetrators of crime, rather than their experiences as victims. This perception shapes our understanding of the involvement of street youth in criminal justice issues.

- **To explore the relations between street youth and the police, and their involvement in the criminal justice system**

For years, street youth encounters with police have been described as highly problematic, but there has been no systematic investigation of this. It is essential to make sense of their encounters with police in order to determine whether they are receiving fair treatment. It is also important because one of the outcomes is that they become heavily involved in the criminal justice system.

- **To understand street youth access to legal information, consultation and representation**

The breadth and complexity of legal and justice issues that street youth face is clear. Whether street youth are able to adequately deal with the problems arising from their experiences, is open to question. Justice for Children and Youth is thus interested not only in making sense of such experiences, but also evaluating the degree to which street youth have appropriate and timely access to legal information, consultation and representation. This will assist Justice for Children and Youth and other street youth serving organizations in providing more responsive services and support to this traditionally under served population.

- **Recommendations**

Many of the problems that street youth encounter with regards to legal and justice issues stem from inappropriate or wrongly applied policies and procedures developed by the different levels of government, and administered by a broad range of organizations and services in Toronto and elsewhere. At the conclusion of this report, recommendations will be made that will assist Justice for Children and Youth, other organizations and policy makers provide better and more appropriate services for homeless youth.

## 1.2 Methodology

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From a methodological perspective, doing research with homeless youth presents many challenges in terms of establishing a representative sample of an incredibly diverse and elusive population. Our approach to research is based upon the knowledge that the street youth population in Toronto is not homogeneous, and that the legal and justice issues of young people who are homeless are complex.

Our study design included surveys/interviews with 208 young individuals. Each person was asked to fill out a structured, self-administered questionnaire with 55 questions. Those with literacy problems were assisted by the research team. Upon completing the questionnaire, each respondent was asked to sit for a structured interview (conducted privately) to provide qualitative data to supplement the survey questionnaire. Thirty additional youth agreed to participate in taped open-ended interviews. All participants were paid \$20.

Because of the sensitive nature of our questioning, we have designed the project in such a way as to ensure the anonymity of all respondents. We also took special care to explain research procedures, and to obtain written consent from all participants. The procedures and research instruments of this research project received approval from the Ethics Review Committee of the Office of Research Administration at York University.

In order to provide a representative sample for this non-random survey, we conducted our research at eight street youth serving agencies throughout the City of Toronto, during September to November, 2001. Those eligible to participate had to be 24 years of age or under (the upper age limit accepted by street youth serving agencies), had to have been homeless or without shelter during the previous year and had to have demonstrated street involvement.

The research team included the Lead Researcher and four research assistants. In order to conduct this research, we used a Participatory Action Research approach (PAR), by involving those who are intended as the subject of the research in all aspects of research, including the design, implementation and analysis of the project. In this case, three members of the research team had a history of street involvement. All research assistants received training and support on research design, and participated in the development of the questions that would become part of the survey. They played a key role in selecting research sites where the questionnaire was administered, and were on hand to help explain the project to young people and assist them in filling out the questionnaire, if language, literacy or comprehension were an issue.

### **Quantitative Data Preparation and Analysis**

After data collection was complete, each survey was given a sequential identification number to assure confidentiality. Care was taken so that the identities of our respondents would not be revealed. The next step involved entering the coded data into a database (SPSS). The qualitative data from the interviews was coded by the research team and also entered into the database. Once entered, the data was analyzed using SPSS uni-variate and bivariate procedures.



## 2.0 Background Information

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Media accounts of homeless youth often present them as teenagers dissatisfied with the rigors and discipline of home and school who are attracted to the freedom, excitement and independence of the downtown streets. The reality is of course much different. For young people who become homeless, such independence comes at a price. Finding adequate food and safe shelter becomes a day to day struggle for many (Weber, 1991; Hagan & McCarthy, 1997). Recent research has identified that most street youth in Toronto are malnourished (Antoniades & Terasuk, 1997). Lack of safe and secure shelter means that belongings are difficult to keep and personal safety becomes a 24 hour a day issue. It also means that getting proper sleep and maintaining personal hygiene is problematic.

As we will see, personal safety is a huge issue for homeless youth, who are much more likely to become victims of crimes than are mainstream youth who are housed. One result of the rigors of life on the streets is that the physical and mental health of street youth become severely compromised (Lowry, Lee & Ward, 1996). Another result is that finding - and perhaps more importantly - maintaining employment and housing becomes a difficult challenge that undermines the efforts of street youth to move forward with their lives (Gaetz & O'Grady, 2002). For those who wind up on the streets for more frivolous reasons, the risks and burdens of homelessness often lead to a relatively quick return home. Those who remain on the streets, or course, are usually there under much different and more difficult circumstances



## 2.1 Who are Street Youth?

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As a group, street youth are difficult to define because of the diversity, fluidity and transience of the population. While many street youth share certain attributes (their poverty, their youthful age, the instability of their housing, the services established to help them) there is much that also divides them. This includes those factors that divide other Canadians (race, ethnicity, age, class origins) but also aspects of street life, including strategies of making money, street networks, drug use, duration of homelessness, and the area of town one prefers to frequent or feels safe in.

For our purposes, the definition of street youth (also referred to as “street involved youth” and “homeless youth”) includes people up to the age of 24 who:

“are absolutely, periodically, or temporarily without shelter, as well as those who are at substantial risk of being in the street in the immediate future.” (Daly, 1996:24)

This definition is appropriate because it reflects the instability of housing for street youth. Generally, street youth circulate through a variety of living circumstances, including staying temporarily in shelters, living on the streets, staying with friends or relatives, and in some cases, getting a place of their own.

One of the most important questions to address is the number of homeless youth on the streets of Toronto and other cities in Canada. While this is difficult to accurately estimate, we do know this much. The Toronto Hostel Division reports that on any given night approximately 325-340 young people between the ages of 16-24 stay in hostels. However, this figure greatly under-represents the actual size of the population of homeless and under housed youth. Survey research by the Community Social Planning Council of Toronto, for instance, indicates that:

“only 24% of homeless youth consistently use hostels, suggesting adding the numbers of young people who are staying short-term with friends (couch surfing), squatting and without shelter, the real number of homeless youth is likely several times the number using hostels” (CSPCT, 1998).

Others have estimated that on any given night, the population of homeless and under housed youth in Toronto ranges between 1200 and 1700. However, given the fluidity of the population of street youth, the actual numbers who are on the streets in Toronto over the course of the year will be much larger.

### **2.1.1 Profile of Respondents**

For this research, we surveyed 208 young people, the average age of whom was 20.1 years, over one third of whom (36.9%) have been on the streets for six months or less. This latter figure includes the majority of refugees in the sample, and also a percentage of young people who may return home at some point (many of the latter group will wind up leaving again, it should be noted). Those who have been on the streets for more than 6 months have been living independently for 4.3 years (on average).

Most research on street youth - whether conducted in Canada or elsewhere - suggests that there are key features of this group that distinguish it from the general mainstream youth population. For instance, males typically outnumber females, often by a 2:1 ratio. In our survey, 55.4% of the respondents were male, 42.2% were female, and 2.5% were transgendered.

In terms of sexual orientation, a body of research suggests that street youth are much more likely to be lesbian, gay, bisexual and transgendered (20 - 40%) than the general population (10%) (O'Brien, Travers & Bell, 1994). It is argued that given the degree of homophobia and heterosexism in Canadian society, the process of 'coming out' for many young people produces ruptures with family, friends or community, making staying at home a difficult - and in some cases, clearly a non-viable option. In our sample, 29.6% defined themselves as 'non-straight', of which 4.5% asserted they were lesbian or gay, and an additional 23.2% reported they were "bisexual", "bi-curious" or "not sure".

### **2.1.2 Ethnicity, Race and “Country of Origin”**

There are characteristics of the street youth population relating to ethnicity and race that both distinguish it from the population of youth in Toronto, and also indicate some shifts in the street youth population over time. While Toronto is clearly a multicultural city characterised by a great deal of ethno-racial diversity, historically this diversity has not been reflected in the street youth population, although our data suggests that this is starting to change.

While the vast majority of street youth in our sample are Canadian born (71.4%) over half of whom come from Toronto, this percentage represents a drop from a 1999 sample of street youth (82%) (Gaetz, O’Grady and Vaillancourt, 1999). Slightly over one third of our current sample describe themselves as ‘visible minorities’, yet the young people within this category do not demonstrate the range of diverse ethnic origins found in the broader population of Toronto youth. For instance, Aboriginal youth (13.6%) and African Canadian youth (21.6%) are over-represented within the street youth population as a whole, while young people from South Asia, East Asia and central and south America are under represented. While the high percentage of aboriginal youth on the streets is consistent with previous research, the growing percentage of African-Canadian youth reflects in large part changing trends in the refugee population in Canada. More and more young people who arrive in Canada as refugees without sponsorship, or new immigrants without supports, wind up being sent directly to youth shelters in Toronto than has been the case in the past. This information is confirmed by those who work in youth shelters, and is significant, because the needs of this population are in many ways unique.

### **2.1.3 Family Background and Leaving Home**

It almost goes without saying that a stable and supportive home life provides a nurturing context which can have a profound impact on the development of children and youth. At the same time, it is also well known that though the

paths to homelessness are complex and diverse, many street youth do indeed come from troubled households. While some street youth leave home on their own initiative (for instance, because of unresolved conflicts with parents, trouble with the law, dropping out of school or to find work), research on street youth in Canada and elsewhere is more likely to implicate physical, sexual and/or emotional abuse as being key factors leading young people to leave home, as well as ineffective parenting, family breakdown and substance abuse issues (Read, S., DeMatteo, D., Bock, B., et al., (1993); Smart, R. (1993); Janus, et al 1995; Gaetz & O’Grady, 2002). It is important to note that such abuse transcends class boundaries (Basrur, 1998).

In Table 1 below, several key indicators of family dysfunction are identified as causes of homelessness for our street youth sample, confirming the significance of such factors in making sense of youth homelessness.

**Table 1**  
**Family Dysfunction Associated with Street Youth Homelessness**  
 Percentage of youth who cite the following factors as significant reasons for leaving home

<b>Physical abuse at home</b> .....	42.3%
<b>Emotional abuse at home</b> .....	63.7%
<b>Sexual abuse at home</b> .....	16.9%
<b>Violence in the house</b> .....	55.4%
<b>Parents' drug/alcohol abuse</b> ..	34.4%

Though there has, in recent years, been more of a public focus on the nature of child abuse, both the police and child welfare workers argue that such abuse still remains a relatively “hidden crime”, in that many cases of abuse do not in fact come to the attention of law enforcement authorities.

There are also some other important indicators of family dysfunction and instability. For instance, almost one half of the sample (46.8%) reported involvement with the child welfare system, with 42.6% having been either in foster care and/or a group home. Many others spent a significant period of their childhood being raised by relatives (5.4%). Finally, it is worth noting is that 11.8% report that one of their parents is deceased, while an additional 3.4% report both being deceased. For 11% of the total sample, the death of a

parent was a significant reason for leaving home.

It is important to note that in describing what led to their own homelessness, rarely do street youth identify a single factor as being significant on its own. Connected in complex ways to the factors listed above are a range of other circumstances and conditions, including the street youth's own substance abuse issues, conflicts over sexual orientation, trouble with the law, and a desire to move out and become independent, for instance.

Yet, while many people consider street youth to be runaways, in many cases, the decision to leave home was not theirs alone. In fact, while a high percentage of street youth report being kicked out by their parents (19.7%), an even larger number suggest it was a joint decision between themselves and their parents (33.5%). In some cases, young people are removed from the home by the police.

All of this is important to consider for several reasons. The first thing to note is that when young people become homeless, they have in many cases been subject to a range of difficult experiences that impede normal childhood development. A second and related factor is that many young people, once homeless, not only have to deal with learning to survive on the streets, but also must struggle to deal with trauma associated with a background of abuse, and with the loss of parents, siblings and community. Both factors can contribute to further developmental problems they experience as adolescents, including an impaired ability to form affective and trusting relationships with adults, earlier involvement in sexual activity (and with more partners), and more risk-taking behaviour (MacDonald, et. al., 1994; Kral, et. al., 1997). Unfortunately, the experience of child abuse is not only a predictor of future homelessness, but may also be a contributing factor to future criminality<sup>1</sup>. It also means that, for many street youth, there is in fact no home to go back to.

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<sup>1</sup> A study done in California (cited in the report: Toronto: My City - Safe City City of Toronto) found that children suffering from abuse or neglect were 67 times more likely to wind up in trouble with the law than children who were not known to child welfare authorities.

## 2.1.4 Leaving School

One of the inevitable realities of life on the streets is that involvement in education is compromised. While the drop-out rates in Canada have steadily declined since the 1950s (the most current figures suggest 11.9% of Canadians between 18-24 did not complete high school), street youth remain an identifiable population for whom school completion is an intractable problem. In our survey, three quarters of the sample (74.8%) report having failed to complete high school.

In Table 2 below, the rates of school attainment for the street youth population are presented. As can be seen, not only have a high percentage of this population failed to complete high school, over one third (34.2%) have achieved a Grade 10 education or less.

**Table 2**  
**Highest level of school attainment**

	Frequency	Percent
Grade 9 or less .....	27	13.4%
Grade 10 .....	42	20.8%
Grade 11 .....	53	26.2%
Grade 12 .....	29	14.4%
Graduated high school / OAC / GED .....	24	12.0%
Some university / college / technical school	22	11.0%
Other .....	5	2.5%

N=202

The literature on drop outs in Canada demonstrates clearly the negative impact of early school leaving (Tanner, 2001). Most obviously, high school drop-outs have much worse labour market outcomes than graduates. They generally are less successful at competing for even low wage jobs, and are therefore more likely to be unemployed and for longer periods of time. Unemployment, in turn, has also been linked to a broad range of other negative effects, including alcohol and substance use and abuse, crime, and impaired physical and mental health (Tanner, 2002). For young people on the streets who are estranged from their families, dropping out also means further disengagement from adult supports that are important in helping young people prepare for adult roles and

responsibilities. This means young people on the streets are likely to face greater challenges in developing work readiness skills, in navigating public and private systems and bureaucracies, in accessing basic services (health care, dental care, welfare), and advocating for, or protecting their rights.

### **2.1.5 Chaos, Instability and the Streets**

For many young people, the streets offer a refuge from a difficult and dysfunctional home life. For others, the streets become a destination only because they are no longer permitted to stay at home. In either case, the streets become a place and space where young people seek and explore independence, and join with others for comfort, physical, financial and emotional support.

Nevertheless, such emerging support cannot hide the fact that becoming homeless usually means significant losses for young people. They become separated from family, from community, from their schools. Young people often give up on dreams and futures imagined from childhood. They also forfeit the opportunity of growing into adulthood and learning responsibilities at a gradual pace with plentiful supports.

Instead, life on the streets thrusts young people into a situation where they must quickly be responsible for their own shelter and well-being. They must be able to earn income not only to support their leisure habits, but also to take care of all their personal needs. They must learn how to navigate systems and gain access to services. While many wind up on the streets having to deal with the trauma and emotional baggage of a difficult home life, they must now learn to take care of their own emotional needs at a time when teenagers typically are able to rely on a broad range of supports (parents, friends, neighbours, teachers, counselors, etc.). They must learn to navigate social and sexual relationships in an environment where sex is often seen as a commodity.

This rapid insertion into the world of adult responsibilities happens at a young age (the average age when the street youth we interviewed left home for

good was 16.1 years) and clearly in difficult and challenging circumstances. Theories of adolescent development often describe the transition from childhood to adulthood as potentially problematic, even in an environment that is relatively stable.

Unfortunately for young people who wind up homeless, their lives are anything but stable. In fact, chaos and instability are in many ways the defining features of the lives of homeless youth. Lack of safe secure housing means that the quest for shelter can be a daily challenge. Even young people staying in shelters run by the City of Toronto know that they will have to move on at some point, and safety and security is not guaranteed. Getting food becomes a daily issue, and three meals a day at structured times is a rare luxury. Friendships and relationships are often very intense, but transient. Maintaining a job becomes difficult, and income generating often becomes focused around meeting immediate needs (to buy food at a fast food restaurant, for instance). Personal safety becomes an ‘around the clock’ concern, because there is no safe door to hide behind and relax. In order to deal with the stresses of life on the streets, many young people, then, choose to self-medicate, indulging in drugs and alcohol.

One of the consequences of the chaotic lifestyle of street youth, is that long term thinking and planning becomes more difficult, as short term needs must be met. The immediate priorities of food, shelter and security, for instance loom much larger than is typically the case for mainstream teenagers, who are generally more able to focus on longer term goals (education, career) because they have more adequate supports. For most teenagers, immediate needs may be defined more typically in terms of leisure and recreation.

The short term thinking that is accentuated by the chaos and instability of the street youth lifestyle puts them in a vulnerable position, and often means that they do not have the luxury of considering the longer term consequences of behaviours (for example, engaging in unprotected sex, drug use, involvement in criminal acts). It also means that they may make compromises that are not



in their interests, or forego advocating for their own rights, if there is no obvious short term benefit. This, as we will see, has an impact on the legal and justice issues of street youth.

## 3.0 Legal and Justice Issues

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When one considers the legal and justice issues of street youth, it is often their criminal behaviour that is focused on. In this section, we will focus on a range of legal and justice issues that are equally important to the lives of young people living on the streets, including :

***Housing*** For young people who are homeless, the transition to independent living is often fraught with difficulties. Getting housing and keeping it when you are 16 and very poor is not easy, and evictions (both unjustified and justified) are not uncommon for street youth.

***Employment*** Lacking education, stable housing and supports means that getting jobs and maintaining them is highly problematic. As a result, many street youth are only able to obtain marginal jobs where employment standards are flouted, or they wind up engaging in a range of street-based activities (panhandling, sex trade, squeegeeing, drug dealing, etc.).

***Family Law*** Many homeless youth have dealt with the child welfare system both as children themselves (a high percentage report being in group homes and / or foster care), but also as adults, where they give birth to children that they may or may not be able to adequately provide for. Interventions by the Children's Aid Society are therefore not uncommon.

***Immigration*** A growing percentage of the street youth population are either new immigrants and / or refugee claimants. The problems that they face are in some ways similar to other street youth (dealing with housing and employment, or navigating government services, for instance) but in other senses are quite unique.

In all of these cases, homeless youth may find themselves in a situation where they are in need of legal support in the form of information, consultations or representation. Of course, their homelessness and the inherent chaos and instability of their street youth life style compromises their ability to properly deal with their legal and justice issues.

## 3.1 Housing

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Perhaps the defining characteristic of street youth is that, as very young people, they lack affordable, safe and stable housing. In order to deal with their shelter needs, street youth must be adaptable and flexible. Many live absolutely without shelter ‘on the streets’; that is, they live out doors (in parks, under bridges, in doorways, alleys and on rooftops) and in squats (abandoned buildings). The City of Toronto also provides a range of street youth shelters that are generally full to capacity, while community groups run ‘out of the cold’ programs in churches and community centres to temporarily house the homeless, all of which can be found throughout the city.

Homeless youth also deal with shelter needs by making arrangements with people they know, including staying temporarily with friends or relatives (‘couch surfing’), or with adults who, in exchange for sex, will give them shelter and support (‘sugar daddys’). In many cases, street youth will move back home to live with parents or care-givers, though such situations are often temporary because the problems that originally led to homelessness inevitably resurface.

The reality is that over the course of time the majority of street youth move between these various housing situations, and as a result it can be argued that it is housing instability - even for those currently renting rooms - that most clearly characterizes their housing situation. Of course, the goal for many street youth is to find safe, affordable housing. Stable housing - as opposed to temporary shelter - is considered essential for ensuring anyone’s health and well being, and for homeless youth, it is a prerequisite for moving forward with their lives. Secure shelter means that one has a better chance of ensuring their safety, of reproducing their health and labour power day in and day out, of getting proper sleep, of taking care of nutritional and other health needs. For homeless youth, it is considered a significant factor in helping build self esteem and a strong identity, and potentially is an important step on the road to a return to school and / or to obtaining and maintaining employment.

### 3.1.1 Current Housing Situations

The range of current housing situations for homeless youth are listed below in Table 3. This is a ‘snapshot’ picture of the shelter conditions of street youth in Toronto in the fall of 2001<sup>2</sup>.

**Table 3**  
**Current Housing**  
**“Where are you currently staying?”**

Shelters (incl. “Out of the Cold” programs) .....	55.3%
Streets (incl. Parks, under bridges, squats) .....	19.1%
In my own place .....	12.1%
Couch surfing .....	6.5%
With friends, partner .....	3.5%
Where ever I can stay .....	2.0%
With family / home .....	1.5%

The majority of youth in our sample reported that they were staying in the shelter system. The next largest percentage suggested that they were staying on the streets, in parks, under bridges and squats. Many of these young people resist staying in shelters because they do not wish to be separated from their partners or because they may have pets (some street youth keep dogs for company and for necessary protection). Others avoid shelters because they feel they (or their belongings) are not safe in shelters, or because they cannot abide by the rules. In the summer months, the numbers of young people who choose to sleep outdoors swells (it should be noted that this survey was conducted in late fall / early winter).

As seen in Table 3, a fair percentage of street youth (12.1%) report that they were staying in a place of their own, indicating that for the moment, they do have some kind of housing. Having an apartment - and at the same time, being described as a ‘street youth’ - need not be seen as an incongruous situation. Some of these young people were sharing the apartment with other young people or staying with friends and contributing to the rent. Almost one quarter of those with housing were young mothers with children.

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<sup>2</sup> Because we recruited many street youth from shelters, they are likely overrepresented in this sample.

But for many, having a ‘place of their own’ doesn’t necessarily mean having an apartment, per se, but rather, it means renting rooms by the day in boarding houses or in cheap inner-city hotels. Such accommodations are often poorly maintained, have shared bathrooms and in most cases do not have kitchens or provide opportunities for food security. Given compelling evidence that street youth as a group are malnourished, the importance of having shelter where one can store and prepare food should not be underestimated (Antoniades & Terasuk, 1997).

The fact is that for this population, having an apartment is no guarantee of housing stability, for while almost two thirds of the sample have at one time or another rented an apartment themselves (64.2%), less than 10% currently do. Given the chaotic nature of their lives, most of these young people will be without shelter again.

### **3.1.2 Problems with Landlords**

Getting a low rent apartment in Toronto is a difficult task when the apartment vacancy rate is 0.09%<sup>3</sup>. Young people who are street involved are particularly vulnerable in such a market. Because of their youth, poverty and inexperience, and because of income criteria imposed by large scale landlords, street youth are often relegated to the bottom end of the rental market, where housing is poorly maintained, safety becomes an issue, and where unscrupulous landlords operate.

While getting an apartment can be a difficult task, so can holding on to one be a problem. Of those young people in the sample who have rented an apartment in the past, one half (50.4%) report having experienced serious problems with their landlord. In Table 4, these respondents identify the most

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<sup>3</sup> Rate for October 2001. Source: City of Toronto, Community and Neighbourhood Services (Alan Meisner)

significant problem they may have had with a landlord in the past. These responses clearly indicate instances where the respondent felt that the landlord had treated them unfairly. The most common conflict with landlords has to do with the landlord allegedly demanding money in addition to the rent (this also includes exorbitant rent increases). Also significant are complaints about poor maintenance, and failure to make repairs.

**Table 4**  
**Most Significant Problems with Landlords**  
 as a percentage of those who report serious problems with landlords

	Frequency	Percent
Landlord trying to get money other than rent due	13	23.2%
Eviction .....	12	21.4%
Landlord not maintaining property .....	10	17.9%
Discrimination by landlord .....	7	12.5%
Landlord illegally entering unit .....	4	7.1%
OTHER .....	10	17.9%

### 3.1.3 Evictions

While eviction is listed as a cause of conflict with the landlord, this figure greatly understates the degree to which eviction is a part of the life of street youth. In fact, of those who have rented an apartment before, 40.9% report that they have been evicted at least once, a high figure when one considers the average age of the respondent is slightly over 20. It is important to consider that in many cases evictions are illegal and / or carried out improperly in terms of the Tenant Protection Act, and in general, young people who are homeless are not aware of their rights as tenants. That is, many young people describe as evictions situations where they left when the land lord simply *told* them to leave.

The reasons that respondents cite for eviction are listed in Table 5. As can be seen, the street youth in this sample are quite willing to implicate their own behaviour and actions as a cause of their eviction.

**Table 5**  
**Most Common Reasons Cited for Eviction**

	Frequency	Percent
Parties / noise .....	19	38.7%
Not paying rent .....	12	24.5%
Landlord was abusive/unfair to me	8	16.4%
Property damage .....	5	10.3%
Friends staying with me .....	5	10.3%
Landlord never gave me a reason	4	8.2%
Other reasons .....	6	12.2%

n=42 (Respondents may have cited more than one reason)

The most common reason cited has to do with noise and parties. Several other young people cite having too many friends stay with them. Together, these factors implicate their youthful age, their poverty and their street lifestyle. Being young means that they lack experience with maintaining an apartment and in dealing with landlords and neighbours. Their street involvement means that it is not uncommon for them to have friends regularly stay with them, either to help offset the cost of rent, or to help them out by offering them shelter ('couch surfing'). This situation often leads to behaviours and activities that lead them into conflict with their landlord.

There are, however, cases where young people report that landlords were unfair in evicting them. Many report that they were evicted without reason. Others report that they were evicted in ways that contravened the *Tenant Protection Act*. In many cases, landlords have evicted youth without paying back money owed, and in some cases have held on to personal possessions. While in some cases this kind of activity is allowed under the *Tenant Protection Act*, the stories told by young people in this sample indicated that there are some instances where landlords were acting inappropriately or were clearly dishonest.

### 3.1.4 Marginal Housing, Slum Lords and Risk

Dealing with unscrupulous landlords is of course one of the consequences of being relegated to the margins of the rental housing market. Many street youth spoke of having to deal with slum-lords who would rent them rooms that were unclean, infested with vermin, poorly maintained and often unsafe. Several reported rooms that were severely damaged, with holes in walls or ceilings, broken windows and / or faulty appliances. Requests for repairs often went unheeded. It should be pointed out that many marginal housing situations (rooming houses, for example) are not even covered under the Tenant Protection Act, and therefore tenants in such situations have more limited recourse.

Other young people reported being victimized by landlords. In some cases, this meant that their privacy was not respected, and that landlords were continuously (and illegally) entering their apartment. Some alleged that landlords were stealing from them. Others were concerned with the continuous verbal abuse of landlords, and several young women told stories of landlords behaving inappropriately with them, some times involving sexual harassment.

The more fraudulent examples of landlord behaviour clearly demonstrate people who are willing to take advantage of potential tenants who are young, inexperienced and marginalised. A common complaint was in reference to landlords who raised the rent without warning, who withheld damage deposits, and / or asked for extra money on top of rent.

One particularly reprehensible scam by landlords was described by five different young people we interviewed. They reported that landlords would ask for first and last month's rent in cash. Because of their youthful inexperience, the tenants did not ask for, nor receive, either a receipt or a written rental agreement. When they later went to move in to their apartment, they were told that the apartment was not available to them. The landlords in these cases would typically deny not only that the youth had paid

*"The guy is a slum lord. The place I was in was infested with roaches, and people were sleeping and doing drugs in the hallway. He did nothing about it."*

Mary, 18

*"The landlord said he would give me last month's rent if I moved out (\$1200), once I cleared out all of my stuff. When all my stuff was cleared out, he flatly refused to give me the money he had promised."*

Barry, 17

*"My landlord is a scary guy. ... He was following me around. He continued, trying to touch me. One time he came over to fix my kitchen top and he tried to touch me - he brought his penis out. I went to the washroom and closed the door. I asked him to leave - he was kind of upset..."*

Sonya, 19



them rent, but also that they had ever met. The young people in question are then left without an apartment, and also without a considerable sum of money, which for homeless youth is of course difficult to come by at the best of times. In at least two cases, police were called but to no avail, because the street youth were not able to offer ‘proof’ (a receipt, or a lease) that they had in fact rented the apartment.

*“There is a guy who rented me a room in a dry house. He told me I could stay there, so after I moved in, he said he would help me. He came in once, he took my money (\$395) he ripped me off. We wound up in a physical fight. I got kicked out. He took my money and I wound up with nothing.”*

Rick, 21

*“When the landlord found out that I was Native (Indian), he said, “I know you’re bound to do heroin, coke, or alcohol, so I want you out of here. I don’t want any fuckin’ Indians living here.”“*

Charlie, 18

### **3.1.5 Seeking Support: Confronting Problems with Landlords**

Being young and street involved means not only that it is difficult to secure shelter, but that there is an increased potential for the development of problematic relations with landlords. This is a group that is notoriously underhoused, and who lack experience in renting and maintaining apartments, and who also lack a clear understanding of their rights as tenants.

Housing, then, is clearly an area where street youth need support, advice and advocacy. Nevertheless, less than one third of the sample (31.7%) actually sought help in working through their problem with a landlord. In some cases young people presented their case to the Ontario Rental Housing Tribunal. A more typical response was to seek help from staff at street youth agencies, or from lawyers, who were generally accessed through such agencies (including JFCY lawyers), through existing relationships that clients already had with lawyers (having been represented in the past) or through randomly calling them up from the phone book.

Almost two thirds of young people who experienced problems with landlords chose not to pursue the matter at all. The most common reason cited was the futility of the process. That is, many young people said that there was ‘no point’ in pursuing the matter, because they felt that because they were street youth, they were unlikely to receive justice through the process, but also because in some cases the landlord was justified in taking action against them.

In a related way, some respondents chose not to pursue action because they felt that the process would take too long and that a positive result was unlikely. This in part reflects the general impatience of many street youth, and the fact that the rigours of living on the streets induces them to focus more on meeting immediate needs rather than nebulous long term goals. Some young people did not seek advice at all because they were criminally involved, and felt that this made it unlikely (and perhaps unwise) that they should pursue the case. Finally, several youth suggested that they chose not to seek help because they didn't know what to do or who to speak to about their concerns. For many young people on the streets, a key developmental task is to understand that they do have rights, that there are systems in place for them to pursue complaints, and how they can access them. Whether young people do (or should) have faith in such systems is another matter.

Yet, in spite of the fact that a low percentage of street youth have pursued advice and support in the past, a very large percentage (80.6%) argue that they would seek advice if they had problems with landlords in the future. Those who wouldn't seek advice felt that they could deal with it on their own, or that there was no use in confronting landlords.

Those who reported that they would seek advice in general had a strong idea of where they would seek it, with the main choices listed in Table 6 below. Lawyers and staff at street youth agencies are the top choice. Respondents were aware that there were legal channels to pursue complaints (through the Ontario Rental Housing Tribunal), and many young people preferred to take advantage of educational materials prepared by agencies and services as a means of educating themselves on their rights and on how to navigate processes designed to resolve disputes between tenants and landlords.

**Table 6**  
**Where would you seek advice on housing issues?**

	Frequency	Valid Percent
Lawyer .....	44	36.1%
Staff at street youth agency .....	38	31.1%
Ontario Rental Housing Tribunal .....	19	15.6%
Educate myself (library, pamphlets, etc.)	11	8.9%
Relative .....	9	7.3%
Friends .....	6	4.9%
I don't know .....	6	4.9%
Police .....	5	4.1%

n=122

While many people who work with street youth assume that they rely on (and have a preference for) information from friends, this appears not to be the case. In fact, in interviews, many street youth demonstrated a clear understanding of the qualitative difference in sources of information; thus, their preference for advice from lawyers, first, and from staff of street youth agencies, second.

## 3.2 Employment

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There is an emerging body of research in Canada that explores the employment patterns of street youth<sup>4</sup>. What has become clear is that young people living on the streets face a competitive disadvantage in the labour market, and therefore must employ a variety of income generating strategies in order to survive.

Typically around 20% of homeless youth are employed, in the ‘traditional’ sense, in regular jobs. Those that do have jobs invariably work at low-paying dead end jobs, where work is often part time, temporary or piece-meal. As a result, even those who do have regular jobs are often forced to pursue alternative income generating strategies, which may be illegal (such as drug dealing, criminal activities, squeegeeing), or quasi-legal (including the sex trade, and pan handling). Many of these strategies produce income on the spot, and help street youth meet their immediate needs for food, shelter and recreation.

In Table 7 below, the “Main Money Making Activities of Homeless Youth” are identified. In this table, money making activities are organized into two groups, the first including “legal” money making activities, and the second, “street based” activities - that is, those income generating activities more generally associated with homelessness.

Legal activities include regular employment (full time and part time jobs), odd jobs, welfare, money from parents, PNA (Personal needs allowance - a small stipend that shelter residents are granted on a weekly basis) and money from family, for instance. The most common legal money making activities are regular jobs (full time, part time and occasional).

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<sup>4</sup> For more information on this, please refer to: Gaetz, Stephen and Bill O’Grady ( 2002) “Making Money - Exploring the Economy of Homeless Workers” *Work, Employment and Society*

**Table 7**  
**Main Money Making Activities of Street Youth**

<b>LEGAL money making activities</b>	Frequency	Percent
Employed (full time or part time)	37	20.0%
Odd jobs - whatever I can get	34	18.4%
Welfare	15	8.1%
PNA (Personal Needs Allowance)	16	8.6%
Money from family	7	3.8%
Enrolled in training program	5	2.7%
Money from partner / friends	4	2.2%
<b>STREET- BASED money making activities</b>		
hustling	11	5.9%
panning	29	15.7%
squeegeeing	7	3.8%
sex trade	16	8.6%
drug dealing	16	8.6%
criminal activities (theft)	7	3.8%

The most common street-based money making activities include panhandling, involvement in the sex trade and drug dealing. The term ‘hustling’ is a street euphemism used to describe a range of activities, including prostitution, small-scale criminal activities, ‘scams’ and fraud. It should be noted that while most street youth do identify a main way of making money, and often cluster in groups with other street people who are engaged in similar activities, a great many street youth must employ diverse and flexible income generating strategies. That is, a young person who is working part time or in a training program may also panhandle by squeegeeing on occasion, in order to generate enough money to survive.

### **3.2.1 Street Youth and the Job Market**

Perhaps the most significant thing to note from Table 7 above is the number of young people who do have regular jobs in the formal economy. The results of this study are congruent with other research on street youth income generating activities, which typically shows that around one fifth are employed,

and as a result up to 80% of street youth can be considered to be unemployed at any given time. This is not to suggest that street youth who are currently unemployed operate permanently outside of the formal economy, however. In fact, most street youth do get regular jobs at some point, with 84% of our sample reporting that they had at some time in the past been employed. At the same time, research has shown that those street youth who are currently unemployed generally desire regular jobs and want to work, even if they are generating income by other means through squeegeeing, panhandling, sex trade, and criminal activities, for instance (Gaetz & O'Grady, 2002).

The problem for street youth is that, in a competitive job market, they are at an extreme disadvantage, even when competing for low-paying service sector jobs. In November 2001, the unemployment rate in the City of Toronto was 7.8%, and for young people between 15 and 24, the rate was 12.5%<sup>5</sup>. Young people without a high school diploma, and those with few marketable skills fare even worse.

This, of course, is the situation for many street youth. Because they are homeless, many street youth have had to leave school without graduating (74.8%). In general, their 'work readiness' skills are lower than other youth (having a resume, knowing how to do a job search, how to prepare for an interview, etc.). Living on the streets makes maintaining personal hygiene problematic and limits their ability to prepare for, and properly present themselves, at a job interview.

Not having a fixed address with a telephone is perhaps the factor that has the greatest detrimental effect on the ability of street youth to obtain - and maintain -employment. It means not having an address to put on a job application, and not having a place where one can easily be contacted for a job interview, neither of which will instill confidence in an employer. A lack of

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<sup>5</sup> Source: City of Toronto, Community and Neighbourhood Services (Alan Meisner)

safe shelter means that even if a street youth does obtain a job, it becomes difficult to reproduce one's labour power daily, in terms of getting proper sleep, preparing lunches for work the next day, creating 'structure' to the day, and having a place of refuge. All of these factors, then, compromise the ability of even the most motivated of street youth to successfully compete for jobs, and then to keep them once hired.

As a result, when street youth do get work, it tends to be at the margins of the formal economy. They may be paid 'under the table' which means that they do not pay taxes on income, but it can also mean that they will be paid at rates below minimum wage, and that they are otherwise vulnerable to abuse by employers. Young people who are homeless often get hired for service industry jobs, working in restaurants or stores. Telemarketing is a common occupation as well. Males are often able to obtain employment as general labourers or in construction (roofers, for instance). Many young people who are homeless, will work through temp agencies or labour exchanges. Sometimes, small business operators will approach street youth and ask them to work for them temporarily, for a day or two. What makes many of the jobs that street youth take marginal is that they are often informally organized (and therefore fall outside of regulated employment and safety standards), payment is 'under the table', and employers feel little, if any commitment to the young person they hire.

### **3.2.2 Problems with Employers**

Given the types of jobs street youth generally have access to, it should not be surprising that they often report problems and conflicts with employers that go well beyond what one should typically expect in a work place. Of those who had had jobs in the past, 53.1% reported that they had experienced serious problems with employers. The main problems are summarized in Table 8.

**Table 8**  
**Street Youth Identify Problems with Employers**

	Frequency	Percent
Money: problems receiving money owed	66	71.0%
Conflict with boss .....	25	26.9%
Sexual harassment.....	8	8.3%
Fired without cause .....	8	8.3%
Racism .....	6	6.5%
Other .....	6	6.5%

N = 93 (Note: Because of multiple responses, the total is greater than the N)

While many young people report some form of conflict with their boss as being a serious concern, one might argue that such clashes are inevitable given the type of work (and low pay) involved. However, many young people did report incidents where the conduct of their boss / employer went clearly beyond the bounds of acceptable employee relations, with accusations of racial discrimination on the job as well as sexual harassment. Many young people also reported instances in the past where they were fired without cause.

Notwithstanding such experiences, the most significant problem that young people identified was in terms of not getting paid for the work they had done. Again, because street youth are often relegated to the margins of the job market where employment standards are lax or nonexistent, where contracts, letters of offer and job records are absent, and where they are paid ‘under the table’, they are vulnerable to exploitation by employers willing to take advantage of them.

Problems with payment tend to fall into the following categories. First, there are those cases where the employee works anywhere from one day to up to several weeks, and then is told at the end that they will not be paid for the work they have completed. This experience was related by 1/3 of those who reported ‘problems receiving money owed’ by employers. While this is kind of scam is more typically associated with jobs where employees are paid under the table, several respondents reported such an experience with supposedly ‘legitimate’ employers.

Second, many respondents who had experienced money problems with

*“When you work for people you don’t know for cash, hours aren’t always recorded properly.”*

Marcus, 19

*“I got ripped off - I was working at this place for over a week and then quit. They told me that because I worked for less than two weeks, forget it. They said I had to work at least two weeks to get paid.”*

Karen 16



employers (almost 43%) reported that there was a huge discrepancy between what the employer offered/promised at the beginning of the job, and the amount that they were actually paid at the end of the job. This sort of fraudulent employer practice seems most likely to occur with occasional or short term employment. For instance, a business owner may approach a street youth to help him unload trucks for \$10 an hour. After a long day of work, the owner will then give the young person \$20 and tell them to leave.

*“I was doing telemarketing. I was promised \$25 per sale. I made a bunch of sales - probably 30. The owner didn't give me my money. I found out he was doing this to everyone. The first job I ever got, and they screwed me over.”*

Steve, 17

Problems with payment also occur with longer term employment and in some cases, with more legitimate jobs. Many street youth spoke of instances where money that was owed them was withheld when they quit their job. For instance, people spoke of cases where employers would hold on to their last cheque, or refuse to pay them for their last few weeks of work. In some cases it is clear that the employee left under difficult circumstances, and money may have been withheld to account for damages or lost property. In other cases, the motivation of the employer is not so clear, and may simply be another example of employer exploitation, when they feel that the young person in question is unwilling or unable to stand up for their rights.

*“I've had under the table jobs. I was promised \$100 to clean some offices. I did the job, went back at the end of the week, and they only gave me \$50. There's a lot of bad under the table stuff.”*

Maria, 18

Finally, problems with payment were sometimes related to the solvency of the company in question. That is, several respondents reported that they were never paid because the company they worked for went out of business several weeks after they began work. In some cases it appears that these were legitimate business failures; in other cases it seems clear that these were 'fly by night' businesses set up to exploit naive employees.

In conclusion, there appear to be two key features of the labour market experiences of street youth. First, though many street youth do have jobs and continue to look for work, they are at a competitive disadvantage, and as a result are pushed to the margins of the job market. Second, and as a result of the first point, street youth often report difficult and exploitative labour market experiences. One of the main consequences

of this is that street youth must then seek other means of making money, where transactions are direct and money is ‘in hand’, for instance. Street youth thus engage in economic activities that are, in Canada, identified with homelessness, including panhandling, squeegeeing, the sex trade, drug dealing and theft. While such income generating activities may provide a regular, if (in some cases) limited, source of income that allows them to meet immediate needs (for food, for instance), it is also the case that because such activities are quasi-legal or illegal, street youth will have run ins with the law.

*“I was working for a telemarketing company. The cheques they wrote me kept on bouncing. They were not a legitimate company ...”*

Joe, 17

### **3.2.3 Seeking Support: Dealing with Employers**

When street youth wind up relegated to the margins of the labour market, there is a clear potential for exploitation by unethical employers. Again, youthful lack of experience, poverty and marginality make them vulnerable. These same characteristics may also make it unlikely that they will do anything about it.

*“A couple of times things happened when I was working under the table. Once I was working at this place for two weeks. Then they said they didn’t need me there anymore and they let me go and never paid me.”*

Lynne, 18

For those who reported that they had had serious problems with their employer, less than one quarter sought advice about what to do or proceeded to take any legal or official action. Street youth agencies and lawyers again being the most common choices for advice. Conversely, 10.8% took matters in to their own hands in order to seek redress; some of whom used violence, or the threat of violence, to obtain money owed to them, for instance.

*“I was working at this gas station once. I worked for a couple of weeks, and then the guy said he wouldn’t pay me because I didn’t have a SIN number, so I got pissed of and just took the \$850 that he owed me from the cash register. I then wound up getting arrested then for stealing. Great. Now I can’t do anything about it.”*

Terry, 19

Nevertheless, the vast majority of young people experiencing trouble with employers wound up doing nothing about it. The main reasons why they did nothing had to do with a profound belief that they were powerless and that any action they took would be fruitless, and a waste of time and energy. Again, many were keenly aware of their vulnerability to exploitation, particularly in working jobs where they were paid ‘under the table’.

We also asked the entire group whether they would seek advice in the future, in the event of problems with employers. In this case, the street

*“Everybody who I seen fighting it was just getting no where so why would I be treated any different?”*

Alan, 22

youth questioned demonstrated a greater interest, with 68.2% suggesting they would in fact seek advice. What is interesting, however, is the fact that those who had in the past experienced problems with employers were much less likely to seek advice (61.2%) than were those young people who had not had problems or who were less experienced (76.8%), suggesting that actual experiences of exploitation make them more cynical about the prospects of challenging unethical employers and obtaining justice..

When asked where they would seek advice and support, street youth suggested a range of options (Table 9, below), again reflecting their broader thinking about where to get advice about legal and justice issues.

*“I went to the Ministry of Labour, and then I talked to Naomi (of Justice for Children and Youth). The Ministry of Labour is getting back to me. Naomi was really helpful - she really knows the law. She explained a bunch of things to me - now I know employment standards to a “T”. ”*

Ryan 17

**Table 9**  
**Redressing Problems With Employers**  
**“If you had a problem with an employer in the future, where would you seek advice?”**

	Frequency	Percent
lawyer	31	29.2%
staff at street youth agency	26	24.5%
labour board	13	12.3%
relative	12	11.3%
don't know	11	10.4%
police	9	8.5%
coworkers	8	7.5%
friends	4	3.8%
OTHER	7	6.6%

As in the case of dealing with problems with landlords, street youth identify their preference for lawyers and street youth agency staff when seeking advice. This reflects a preference for, first, the expertise that lawyers provide, and second, the desire of street youth to engage adults at street youth agencies who are (ideally) knowledgeable, trustworthy and accessible. The responses of street youth also demonstrate some knowledge of systems that are in place to advocate for the rights of employees (Employment and Standards Branch, unions).

## 3.3 Family Law

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As a group, street youth occupy a unique position in terms of family law, and the risk factors that are associated with parenting. The first thing to note is that as *children*, many street youth lived in situations where the Childrens' Aid Society intervened on their behalf. As a result, a high percentage have lived in either foster care or in group homes. The second factor to take account of is that a number of street youth are now parents. Given the difficulties they experience as young parents living in poverty and often without secure shelter, it is not surprising that many are now the subject of CAS involvement, this time as parents. In both cases, there are legal and justice issues to consider.

*"I was three years old when I was first removed. I have been in one group home and 5 foster homes. Most of them were traumatizing; there was only one home that I felt secure in."*

Jennifer, 16

### 3.3.1. Street Youth as Children in Care

The literature on street youth demonstrates clearly the degree to which many come from troubled households. Many come from homes where they were victims of physical, sexual and /or emotional abuse and where they may have been witness to other forms of family violence. Other complicating factors include parental drug abuse and family break down. The result is that many street youth have grown up in households where parents had difficulty in providing them with proper and appropriate care.

*"I was 13 when things really started. I wound up in 5 group homes. I hated the whole idea of strangers living together in crisis."*

Nancy, 18

In these cases and other instances involving the problematic behaviour of young people themselves (which may be related to a history of abuse, their own substance abuse, criminal involvement or behaviour problems), a serious rupture may develop between street youth and their families or care givers. It should not be surprising, then, that this is a population that as children have experienced interventions of various kinds.

*"I was in one foster home from 14-16 years of age. It was enjoyable - I knew the foster parents for several years before I was placed in their care. They demanded that I stay with them. It was a good experience."*

Ken, 22

Our results show that 46.8% of our sample were involved with Childrens' Aid Society as children, and 42.6% were taken into either foster

*“I was in both foster homes and group homes. I still am - have been since I was 11. I’ve been in 2 group homes, and three foster homes. I actually found being in them a bit more relaxing than being with my parents. It wasn’t so abusive and wasn’t so frustrating. I barely talk to my parents now.”*

Teresa, 16

*“I was 15 or 16 years old. I have been in 3 group homes. It was good sheltering for a time; they had their best intentions for me. They were trying to get me on the right track, but I was very stubborn and felt that I was being punished for something that I didn’t do.”*

Maria, 17

*“I was nine years old, 2 group homes, 7 foster homes, some were O.K. some were not. I liked the group homes better, they did stuff with you, there was more structure”*

Ian, 18

care or group homes, or both. 34.8% of our sample report being sent to group homes (in some cases this will have been as a result of their own criminal convictions), and 28.4% spent some time in foster homes. Table 10 displays the number of foster homes and group homes that street youth report having stayed in.:

**Table 10**  
**Frequency of Placements in Foster Care and Group Homes**

		Foster Homes		Group Homes	
		frequency	%	frequency	%
<b>Number of Placements</b>	1	34	47.9%	26	44.8%
	2	9	12.7%	7	12.1%
	3	9	12.7%	10	17.2%
	4	3	4.2%	4	6.9%
	5 or more	16	22.5%	11	19
	Total	71	100	58	100.0

This table reveals that slightly less than one half of those who were in care were placed in only one group home or foster home. The very high percentage who were placed in five or more foster homes or group homes suggests that for many street youth, problems with parents were significant and ongoing, and that their childhood was characterized by instability. This figure is more disturbing when one considers that 40.2% of those in care spent time in both foster care and group homes.

Aside from what such high levels of CAS involvement might suggest about the family life of street youth prior to becoming homeless, there is also the question of whether such interventions were seen as being positive or not by the young people involved. 36.2% of those involved with Childrens’ Aid Society (including those in foster care or group homes) reported that this was a positive experience (21.7% had ambivalent feelings). Those whose experience was only of foster homes tended to report more positive experiences than those who were placed in group homes (or who were in both situations). For those young people reporting a positive experience, it is probable that the relief of escaping an abusive home life overshadowed

the distress of lost connections with parents or other family members.

However, it must also be noted that a high percentage (42.0%) strongly reported negative experiences in care. Again, those in foster homes only, were less likely to describe these situations in such negative terms. In some cases, it appears that these negative associations had to do with their experiences of loss; of being dislocated from family, school and community. In other cases, the constant moving around created a life of instability and insecurity. Many youth spoke of the difficulties in forming attachments with both adults and other children when they were constantly moved from place to place. Others spoke of abusive situations, including allegations of physical and sexual abuse at the hands of group home staff or foster parents. For many of these young people, escaping to the streets was seen as a positive alternative to a life in care. Few if any of these people have sought legal redress for their difficult experiences in group homes and foster care.

Not all young people who wind up on the streets are happy to see their connections with Children's Aid Society end, however. 29.6% reported that they were unhappy that their association with the Children's Aid Society had ended. Some people regret leaving care of their own volition, recognizing that independence (and consequently, life on the streets) is much more difficult than they had anticipated. For others who feel that the decision to end connections with the CAS was not theirs, or who are now too old to be involved with CAS, there is a sense that they have been thrust into a situation of independence without adequate preparation or support. That is, they suggest that once out of CAS care, the systems and support (financial, counseling, etc.) to help them move into and adjust to independent living are woefully inadequate, and this is somehow implicated in their current status as homeless youth.

*"From age 8 to 14 I was sent to a bunch of foster homes and group homes. It was crazy they changed my places all the time. It drove me crazy."*

Mark 21

*"I would have liked to have CAS involvement continue in some ways, but not the abuse I suffered in their care. But I didn't realize how hard the real world would be."*

Jeremy 19

*"No I would not have wanted CAS involvement to continue, because it made my life a living hell. I don't want to think about it so I fry my brain to forget."*

Malcolm 23

*"They (the CAS) wouldn't put me in a foster home; they never gave me a chance. The group homes didn't do me any good."*

Dan, 20

### 3.3.2 Street Youth as Parents

Of course, for young people who are street involved, their involvement with the CAS does *not* necessarily end when they grow up, but rather, it may change in nature. This change has to do with the fact that many homeless youth become parents, often at a young age. Research on street youth shows that they are likely to become sexually active at a younger age, and engage with more sexual partners (MacDonald, et. al., 1994; Kral, et. al., 1997). This is considered to be both a result of background factors (a history of sexual abuse, for instance), and a response to the circumstances of living on the streets, where sex is often exchanged for money, goods or simply a place to stay. In our survey 26.6% of respondents reported that they had engaged in sex for money, and 18.8% had had sex with someone in exchange for food, clothing or shelter.

*“My first baby, gave up for adoption because I was a drug addict. My second baby was born when I was on the streets too. I don’t have custody of either of them.”*

Judy, 22

*“My child was born prematurely, and the CAS thought that I was too young and didn’t have enough support, etc. to be able to take care of him properly. So they took him.”*

Sam, 21

It should not be surprising, then, that young people on the streets get pregnant, and that many have children. In our survey sample, 19.1% report being parents, and 5.4% have more than one child. Relatively equal percentages of males and females report having children. Because one is young and street involved does not mean that one necessarily is - or will be - a poor parent. Street youth, as a group, are quite diverse in terms of their skills and capacities, and this applies to parenting as well. Those working with street youth often remark that many young people who have children can and do become successful parents. Lives can be stabilized, and with the right supports, the young children of street youth can grow up in a world where they are loved and cared for. These are success stories.

There are other cases, however, where caring for a child becomes too difficult for a young person who is street involved, or it is determined by others that they are incapable of providing proper care. Of those young people in our survey who are parents, fewer than 40% currently live with their child. Most of those who are currently living with one child also have

another child who they do not live with or have custody of. Given their youthful age, but more importantly, the instability of their living circumstances, it is often impossible to provide a young child with the shelter, nourishment and parenting needed. Some street youth will voluntarily ‘give up’ their children, in some cases for adoption, but more often to a relative (parent, parent in law) who is better able to care for their child, and who will permit them access. In other cases, the child will be apprehended by the Children’s Aid Society, if they believe the child to be ‘at risk’. 58.3% of the street youth who are parents have had some form of CAS involvement, and 41.4% have had children taken into care. There are circumstances whereby children of street youth are apprehended shortly after birth, where it is determined that the young parent is unable to provide the basic necessities of life and presents a risk to the child.

*“The CAS got involved with my son because his father was abusive. They got involved with my daughter when she was 6 months old because I had to call the police when the babysitter left her by herself. The CAS came, took my daughter away, and put her in a foster home. My sister has temporary custody of my daughter, but my mother is going to get custody eventually. My mother has full custody of my son.”*

Helen, 21

### **3.3.3 Seeking Support: Custody and Access**

For street youth who become young parents, legal issues can become complicated. Some young mothers voluntarily give up custody of their children to relatives. Others have had CAS involvement, and children are removed into care, or are placed with foster parents (or the children’s relatives). In some cases, the father is absent, and is not interested in his relationship with the child. In other cases, the absent father is interested in having access, but may not know what steps to take. In all such cases, the issues of custody and / or access loom large.

Navigating such legal processes is complicated, lengthy and invariably demands some form of counseling, support and representation regarding their family issues. Unlike employment or housing problems, a higher percentage of street youth will have had some sort of involvement by lawyers in their custody and access issues. In fact, 66% of young parents report having a lawyer involved at some point.



This is likely the result of the involvement of the CAS. In cases where the CAS has been involved and children are removed into care, there is a greater likelihood that the young parent, if they are under the age of 18, will have had access to legal counsel, and / or will have had the process explained to them because, in general, when CAS gets involved, arrangements are made for legal representation through legal aid.

While two thirds have had a lawyer involved at some point, it is worth noting that one third have not. At the same time, many who have had a lawyer involved at some point do not currently have representation. The need for advice, information and legal representation with regards to family law issues can and does change through time for street youth (for instance, as their lives become more stable and they seek greater access), while their involvement with a lawyer may not be consistent or long term.

Street youth who lose custody and /or access to their children are placed in a situation that is in some ways similar to other parents who have had to give up the custody of their children, or who have had the CAS get involved in their lives. They must deal with the loss of their children. They must deal with the perception that they are incapable of taking care of their children.

But on top of this, the circumstances of the lives of street youth may complicate this experience. For instance, the fact that many young people on the streets have had to deal with the Childrens Aid Society, the police and courts as children (and in many cases report negative experiences) may make them reluctant to engage in the process in any significant way. Complicating this is of course the fact that many young people who are homeless are currently living lives that are chaotic and unstable. They may be expending much of their energies focusing on meeting immediate needs. While this instability may be what justifies the intervention of the CAS in the first place, it also may prevent them from advocating for themselves and protecting their rights to be involved with their children.

## 3.4 Immigrants and Refugees

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Those youth who are immigrants and refugees have become a more noticeable segment of the street youth population in recent years. Whereas as recently as 1999, only 6% of the street youth population identified themselves as immigrants or refugees (and less than 1% were in the latter category) (Gaetz, O'Grady and Vaillancourt, 1999), data from our survey indicates that this group now accounts for slightly over 20% of street youth, of which almost half (8.8% of the total sample) are refugees or refugee claimants. The reasons for this sizeable demographic shift in the street youth population are not clear at this point, though staff at suburban shelters report that it is not uncommon now for refugee youth to be sent to their shelters straight from the airport.

The immigrant and refugee populations form somewhat discrete groups. Virtually all of the refugees (and refugee claimants) we interviewed were from Central and South African countries, and most had arrived in Canada within the past year. A large number, in fact, reported having arrived in Canada within the two months prior to the survey. As opposed to the refugee population, the immigrant population (those who have landed status, no status or who are here on a work visa) are generally from a broader range of places, though young people originating from the Caribbean are over-represented. Most arrived in Canada since 1996. 3.4% of the sample refuse to divulge their immigrant status, or they are not sure of it.

Young people who are immigrants, and in particular, those who are refugees, are noticeably distinct from the street youth population in many ways. First, the fact that the vast majority of this population are racial minorities means that they face the challenges of racism that the majority of white Canadian born street youth do not. Second, the reasons that immigrants and refugees cite for their homelessness, while perhaps involving trauma and a rupture with parents, are in some cases substantially different from what the

majority of street youth report. For instance, while most street youth generally identify a range of issues including family dysfunction as implicated in their current homelessness, most refugee youth have wound up homeless in Canada because they are fleeing persecution and oppression in their home country. Third, while immigrant and refugee youth are present in large numbers in the street youth shelter system (particularly suburban shelters), a large percentage are reluctant to get involved in ‘street youth culture’, and are thus less visible in street youth drop-ins, or in many of the public places that street youth frequent. One consequence is that this population is much less likely to report involvement with the police than are other street youth.

*“I’ve been refused housing for sure because of my status. Landlords turn me down when I show them my ID card”*  
Jasmine, 19

*“I can’t go to university or college - my guardian who sponsored me died. I can’t go back to school without verification from her.”*  
Denise, 17

### 3.4.1 Accessing Services

The degree to which street youth experience barriers in accessing public and private goods and services is well established. As young people lacking in experience who are visibly poor, they are often excluded, or removed from public spaces such as shopping malls and restaurants. Their youthful inexperience, lack of identification and money, and in some cases their ambiguous (or illegal) status means that getting access to health care and dental care is problematic, and navigating government systems and services is at times extremely difficult. As a result, they often are prevented from accessing goods and services they are otherwise entitled to.

It can be argued that one’s immigration status may compound these difficulties. The literature on immigrant and refugee settlement issues identifies the degree to which being a visible minority, having difficulty with oral and written English, and a lack of familiarity with Canadian systems, and legal conditions and constraints creates problems with accessing services. For refugees, their previous experiences dealing with government officials may make them more apprehensive when dealing with government

officials and systems in Canada. All of these factors can make navigating the geographical space of Toronto and the bureaucratic systems located here difficult. At the same time, race and their status as immigrants or refugees may make them vulnerable to discriminatory behaviour by potential employers or landlords, for instance. In our survey, we asked the immigrant and refugee population to comment specifically on whether or not their immigration status caused problems in a number of areas (Table 11).

**Table 11**  
**Percent of Refugee and Immigrant Youth who report that their immigration status has caused them problems with the following:**

Education .....	14.3%
Accessing health care .....	8.8%
Employment .....	17.6%
Housing .....	28.6%
Dealing with police .....	2.9%

Accessing housing , followed by employment and Education are the greatest challenges identified by this population, who report that landlords, for instance, are often unwilling or reluctant to take them on as tenants. However, the relatively low percent of immigrant and refugee youth who report that their status has had an impact on their dealings with police is interesting to note. As will be seen in forthcoming sections, relations between street youth and the police are generally quite strained. However, refugee youth are unlikely to report their involvement in criminal activities, or in many activities typically identified with street involvement, such as panhandling, squeegeeing, drug use, etc. They are also much more likely to report positive impressions of the police. This is likely due to several factors, including: a) their relative newness to Canada, b) their lack of affinity with the lives of other street youth, and c) the fact that in coming from oppressive states where use of violent force by the police was common, Toronto police are perhaps perceived to be less violent in comparison. It may also be the case that their status as immigrants or refugees encourages avoidance of the police.

### 3.4.2 Seeking Support: Immigration Issues

One of the key struggles for immigrants and refugees is navigating the legal process in pursuit of an improvement in their status. This can mean refugee claimants striving to be declared legal refugees, or other persons attempting to get landed immigrant status or Canadian citizenship. Young people who wind up in the street youth shelter system are often one step removed from the immigrant settlement services (many of which are culture specific) that might provide some assistance in this area. The need for information and support in dealing with immigration status is of course a concern for immigrant and refugee street youth. When we asked this group if they “knew what to do” in order to deal with their immigrant status issues, 56.8% had at least some knowledge of the steps they needed to take. Only 60.5% report that the process had ever been explained to them. In Table 12, we identify the key sources of information that immigrant and refugee street youth rely on.

**Table 12**  
**Explaining the Immigration Process**  
*“Has the immigration process been explained to you? If so, by whom?”*

Relatives .....	17.4%
Lawyer .....	30.4%
Staff at street youth agencies ....	43.4%
Staff at cultural agencies .....	4.3%
Government official .....	21.7%

Note: totals add up to more than 100% because in some cases respondents gave multiple answers.

Clearly, staff at street youth agencies are the primary source of information for these clients re: their immigration and settlement issues, even more so than lawyers, who are the second most utilized source of information. It is interesting to note that in many cases these lawyers were in fact accessed through street youth serving agencies. While in Toronto there exist immigration consultants and immigrant settlement services, it does not

appear that homeless youth are knowingly accessing them. In fact, only three young people surveyed were able to offer any opinion on the difference between an immigration consultant and a lawyer.

From this survey we can surmise several things. First, that the population of street youth who are immigrants and refugees face special challenges because of their status. Second, that such street youth are in need of specialized information supports and services to help them deal with their immigration issues. Third, they heavily rely on street youth agency staff for this kind of support. Street youth agency staff attempting to support immigrant and refugee youth will therefore benefit both from training on equity issues, but also on settlement issues, and on how to navigate the various legal processes relating to immigration. The degree to which street youth agencies are equipped and resourced to deal with these special needs is of course open to question.



## 4.0 Criminal Victimization and Criminal Offenses

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When, in public discussions, the connections between street youth and crime are made, it is usually in terms of offending rather than victimization. For instance, in the rush to depict street youth as a threat to public safety through the enactment of the “Safe Streets Act” by the provincial government, and “Community Action Policing” by the City of Toronto, one important issue gets missed. That is, that street youth are themselves regularly victims of crime.

In this section, two interrelated dimensions of the relationship between street youth and crime are examined. First, the degree to which street youth are disproportionately victims of criminal acts will become clear when a comparison is made with the general population. What will be evident is that while street youth are in fact much more likely to be victims of crime than is the rest of the population, they are, at the same time, much less able to protect themselves, or to have the same access to resources that in general reduce the risk of victimization for the average Canadian (including adequate shelter, telephones, financial resources, law enforcement protection, community safety initiatives, etc.).

Second, an effort will be made to make sense of the criminal offending of street youth. Recent research has shown, perhaps not surprisingly, that street youth are much more likely than mainstream youth to engage in illegal behaviours. This must be made sense of in large part because street youth are forced to engage in quasi-legal and illegal acts in order to make money to survive, and to meet immediate needs for food and shelter, for instance. Nevertheless, one of the consequences of this is that many street youth inevitably wind up involved in the criminal justice system.



## 4.1 Victimization

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Every year, many Canadians become victims of crime, ranging from small and relatively insignificant incidents of theft or vandalism, to the other extreme, which is murder. It goes without saying that those who are victims of criminal acts suffer to greater or lesser degrees, and that such victimization can have a profound impact on one's mental and physical health, their feelings of safety and security, and their self esteem. The damage done to victims of crime can be long lasting.

As part of this research, we asked street youth a range of questions relating to criminal victimization, a term that refers to the experience of both property crimes (theft, robbery) and assault (threats of violence, assault, sexual assault). By using many of the same questions used by Statistics Canada in its General Social Survey, we can compare the experiences of street youth with other young people in the general population.

Detailed victimization surveys such as those carried out by Statistics Canada are considered in many ways to be a more accurate reflection of crime rates than are police statistics<sup>6</sup>. Victimization surveys also have the advantage of highlighting the degree to which some members of society are at greater risk for criminal victimization than are others. A number of factors have been linked to personal victimization, including the victim's sex, age, marital status, geographical location and activities, etc (Besserer & Trainor, 1999). It is well established, for instance, that young people are much more likely to be victims of crime than almost any other age group. This goes against conventional thinking about the relationship between youth and crime, which tends to focus

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<sup>6</sup> Police statistics are considered to be a less reliable measure of crime for several reasons. Most significantly, most crimes go unreported to the police. In particular, certain types of crime such as sexual assault and domestic assault are extremely under reported. In addition, police intervention in certain types of crime is subject to political and cultural shifts. Victimization surveys, on the other hand, are problematic because certain crimes cannot be reported by the victim (murder, for instance) and they do not measure crimes where there is no apparent victim (drug use, for instance).

more on young people as offenders than as victims. In addition, women's experience of crime differs from that of men, as does their perception of safety and risk. In general, women are more likely to be victims of sexual assault, while men are more likely to be victims of assault and / or robbery. Finally, there are significant regional differences in criminal victimization. Ironically, while Toronto is Canada's largest city, it is also the safest (when compared to 25 other urban municipalities). This is not to suggest, however, that all Torontonians experience the same levels of safety and security.

Compared to the rest of the Canadian public, street youth experience much higher levels of victimization, except with reference to specific types of property crime (household break-ins, automobile related crimes, etc.) which are not usually applicable to homeless people with limited property. Surveys in Canada typically demonstrate that around 25% of Canadians are the victim of a crime in any given year. Generally, around half of these incidents of victimization involve theft of or from, and /or vandalism of an automobile (Besserer, S. 1996).

In our survey, 81.6% of the street youth sampled reported that they were a victim of a crime in the past year, a rate three times greater than the general public. In Tables 13 and 14 below, a more detailed comparison of the rates of criminal victimization between street youth and the general public is offered. To ensure accurate and appropriate comparisons with the general population, the statistics reported here from the General Social Survey only include people between 15 and 24 years of age.

#### **4.1.1 Street Youth as Victims of Property Crime**

Overall, 63.9% of street youth sampled report being a victim of property crime in the past year. The comparison with mainstream youth makes this level of victimization even more striking. In Table 13, details of the comparative experience of different types of property crime are explored.

**Table 13**  
**Comparing Street Youth and the General Public (age 15-24)**  
**in terms of Property Crime Victimization**

<b>During the past 12 months, did anyone:</b>	<b>Street Youth</b>	<b>General Public (15-24)</b>
a) ... deliberately damage or destroy any property belonging to you or anyone in your household	29.1%	5.7%
b) ... take or try to take something from you by force or threat of force? .....	34.7%	3.0%
c) ... illegally break into or attempt to break into the place where you live? .....	16%	4.6%
d) ...steal or try to steal anything else that belonged to you? ....	49%	5.5%

In virtually every category, the percentage of street youth who have experienced some form of property crime is exponentially greater than is the case for 15-24 year olds in the general population. Even though people who are homeless typically have fewer possessions and less valuable property, the experience of being homeless puts them in the position of being much more vulnerable to property crime, for several reasons. First, people who are homeless lack the ability to store their goods safely in the same way that people who are housed do. In many cases, street youth are therefore forced to carry their possessions with them at all times. Nevertheless they are still vulnerable to theft (often when they are asleep) and to robbery, where their possessions are taken by force. This can even include articles of clothing, such as shoes. Second, because street youth are often actively discouraged from hanging around in public (sidewalks, parks) and semi-private spaces (stores, shopping malls), they are often reduced to hanging out, and sleeping in, less desirable and more dangerous places and spaces, increasing their vulnerability.

## 4.1.2 Street Youth as Victims of Assault

While the levels of property crime that street youth are subjected to are of serious concern, the high percentage of young people who report being victims of assault demonstrates most dramatically the extreme nature of their victimization. 69% of the street youth surveyed report that they experienced some form of assault during the past year. A more detailed breakdown (Table 14) shows that assaults ranging from being attacked to being sexually assaulted are a much more common experience for street youth as compared to young people in the general public.

**Table 14**  
**Comparing Street Youth and the General Public (age 15-24)**  
**in terms of experiences of Assault**

<b>During the past 12 months:</b>	<b>Street Youth</b>	<b>General Public (15-24)</b>
a) ... were you attacked by anyone?.....	45.7%	6.3%
b) ... did anyone THREATEN to hit or attack you, or threaten you with a weapon?.....	52.8%	6.9%
c) ... has anyone forced you or attempted to force you into any unwanted sexual activity, by threatening you, holding you down or hurting you in some way?	15.6%	1.2%
d) ... has anyone ever touched you against your will in any sexual way? .....	26.3%	3.3%

The lack of safe, secure and private space, and the fact that they frequent spaces and places that are less safe means that street youth are vulnerable to different forms of assault. Street youth report that some (but by no means all) of the risk comes from other people who are homeless, particularly those who have what are described as having substance abuse problems or those who are violently mentally ill. At the same time, many suggest that because they themselves are identifiable as homeless, this makes them vulnerable to both ‘career criminals’ and other members of the public, who take advantage of their vulnerability. They also report being attacked by total strangers.

In terms of harassment and verbal abuse, homeless youth feel that it is

by virtue of being homeless that they are identified and targeted for a level of abuse that most people do not experience. They spoke of strangers passing by who often, unprovoked, make aggressive and threatening comments to them, and in fact over 26% of the survey sample said they do experience verbal abuse because they are homeless. They feel victimized by store owners and security guards on a continual basis, and do not feel they have the freedom of movement in these semi-public spaces that they should be entitled to.

The vulnerability to both property crime and assault affects the way that young people who are homeless conduct themselves. They not only must carry many of their possessions with them (or hide them) at all times, publically displaying items that have value (such as jewellery, walkmans, etc.) becomes a risky venture. It is not surprising that a number of street youth carry weapons in order to protect themselves. Still others acquire dogs, both for companionship and for protection. One of the key consequences of being vulnerable to criminal acts is that many street youth come to depend on each other for protection. The experience of criminal victimization means that street youth, much more than most teenagers, must constantly be on alert, whether on the streets, while staying in shelters, or visiting drop-ins.

### **4.1.3 Worst Victimization Experience**

One of the questions we asked street youth to reflect on was what they consider to be the most serious crime that was committed against them in the past year. Included on the list in Table 15 below are property crimes, types of assault including domestic violence, and significantly, fraudulent acts by employers and landlords. These latter types of crime are significant, and as has been argued above, such forms of fraud are more typically committed against street youth who are vulnerable because of their age, inexperience and perhaps most importantly, their poverty. That is, street youth are limited to the margins of both the job and housing markets, which are not properly regulated, and where marginalized populations are more subject to exploitation.

**Table 15**  
**Worst Victimization Experience**  
**Percentage of street youth who identify one of the following as being the most serious crime committed against them in the past year**

	Frequency	Percent
a) Attempted theft of personal belongings	32	16.8%
b) Theft of belongings (when you were NOT there)	40	20.9%
c) Theft of belongings (when you WERE there)	23	11.5%
d) Attempted Assault .....	29	15.2%
e) Assault .....	44	22.5%
f) Sexual Assault .....	15	7.3%
g) My partner beat me up .....	14	7.3%
h) I was ripped off by my landlord .....	21	11.0%
i) I was ripped off by my employer .....	17	9.9%
j) Nothing really serious happened to me .....	50	26.2

n=191

Generally speaking, when any young person (on the streets or otherwise) is the victim of a crime, they usually tell others about the incident, though not necessarily the police or adult authority figures. Who one tells when one is a victim of a crime depends on a number of factors. People may rely on a network of friends and family for social and emotional support, and in fact, young people are most likely to tell friends about the bad things that happen to them. Young people may go to others for help in redressing the crime, in particular, the police or other adult authority figures, such as parents or teachers. On the other hand, because of social isolation, or because there is a stigma associated with the offense (sexual assault, for instance) individuals may feel that there is no one they can tell about the incident. It may also be that people decide that the crime is not serious enough to bother telling anyone about. In such cases, they are left to deal with the emotional baggage and other consequences of the crime on their own.

In Table 16 below, we asked street youth to report on who they told about the most serious episode of criminal victimization they experienced in the previous year.

**Table 16**  
**Reporting a Crime**  
*“Who did you tell about the incident?”*

	Frequency	Percent
a) I didn't tell anyone .....	51	30.9%
b) I told a friend .....	66	39.8%
c) I told my partner (boyfriend, girlfriend, etc.)	30	18.2%
d) I told a social worker, teacher or counselor	18	10.9%
e) I talked to a lawyer about it .....	19	11.5%
f) I told a member of my family .....	30	18.2%
g) I told the police .....	19	11.5%

n=165 Note: some people gave multiple answers.

There are several factors that stand out from this list. While it isn't surprising that street youth are most likely to report negative experiences to their friends (given the profound significance of street friendships for homeless people), what is unusual is the number of who say they didn't tell anyone about what happened to them. While according to the General Social Survey only 7% of Canadians (15-24 yrs) chose not to tell anyone when they were the victim of crime (Besserer and Trainor, 2000:9), a much higher percentage of street youth (30.9%) chose to tell no one. This suggests that though street youth may emphasize the significance of 'street' friendships, often using the language of 'family' to describe such relationships they are, at the same time, often socially isolated and / or do not always trust those who are close to them.

Several other factors stand out. The first is that street youth rarely told a member of their family about it (18.2%), and were even less likely to report such incidents to adult authority figures such as teachers, social workers or counselors (10.9%). Not surprisingly, these are much lower rates than are reported by mainstream youth, and of course reflect the estrangement of young people who are homeless. The second factor to take note of is that 11.5% of street youth report that they spoke with a lawyer (as compared with 2.8% of the general public). This is interesting, because it indicates that a high percentage of street youth in fact have connections with lawyers, and that they see them potentially as advocates.

#### 4.1.4 Reporting Victimization to the Police

One of the most telling statistics from Table 16 (above) is that 11.5% of street youth reported their worst victimization experience to the police (the same percentage who reported such an event to their lawyer). At a certain level, this should not be surprising. In general, young people often refrain from informing the police of criminal activities that they experience (or witness), because they feel that the incident is too minor to worry about, or that there is little that the police can do about it (Tanner & Wortley, 2002). Many young people (more so than adults) are also concerned about being perceived as ‘snitches’, and are worried about retaliation by the offender.

**Table 17**  
**Main Reason for not telling police about worst victimization experience**

a) ... Because it wasn't a big deal .....	29.0%
b) ... the Police couldn't do anything anyway .....	36.2%
c) ... the police wouldn't care or believe me anyway ...	38.1%
d) ... I did not want to get involved with police .....	49.6%
e) ... I did not want anyone to find out about it .....	18.7%
f) ... I was afraid of the person who did the thing to me	13.7%
g) ... Because I can take care of myself .....	36.0%
h) .... Because I don't want to be known as a snitch	28.1%
i) ... Because I was doing something illegal at the time	17.2%

n=175

In Table 17, the main reasons why street youth did not tell police about their worst victimization incident are explored. Many of the reasons that street youth cite are typical of young people. However, there are some distinctive features to street youth reasoning that are worth pointing out. For instance, the main reason that street youth cite for not reporting to the police when they were victimized is that they “did not want to get involved” (49%) and that “the police wouldn't care or believe me anyway” (38.1%). The reasons for such positions are complex, and are related to a number of factors, including their relationship with the offender, whether they were committing illegal acts at the time (as noted above), etc. Nevertheless, they also indicate at some level both a desire



to avoid the police, and a lack of faith in them.

A second thing to note is that 17.2% of street youth cite the fact that they were doing something illegal at the time as being significant reason. This is related to the fact that, first, street youth are more likely to be involved in offending behaviours, and second, that many of their money-making survival strategies are illegal. In fact, the argument has been made that by criminalizing acts such as prostitution (or in Canada, communicating for the purposes of prostitution), squeegeeing or panhandling, people engaging in them are at increased risk of robbery and assault. That is, potential offenders can contemplate committing acts of robbery or violence against prostitutes, squeegeers and panhandlers, knowing that the victim is less likely to seek the involvement of the police.

#### 4.1.5 Attitudes Towards Police

Why a group of people so likely to be the victims of crime are so reluctant to engage the police raises some important questions. In Table 18 below, the attitudes of street youth about the police are compared with the mainstream youth sample from the General Social Survey.

**Table 18**  
**Street Youth and Mainstream Youth Perceptions**  
**and Attitudes Regarding Police Performance**

<i>“Do you think your local police force does a good job, average job or poor job of...”</i>	Street Youth			Mainstream Youth		
	Good job	Average job	Poor job	Good job	Average job	Poor job
Enforcing the laws	14.3%	36.2%	39.8%	55.7%	37.1%	7.3%
Promptly responding to calls	15.9%	25.6%	46.7%	55.8%	32.9%	11.4%
Being approachable and easy to talk to	11.7%	20.9%	57.1%	65.1%	26.9%	8.0%
Ensuring citizen safety in your area	9.9%	32.3%	47.9%	61.6%	32.7%	5.7%
Respecting people they talk to *	10.3%	15.9%	64.6%			
Dealing with you *	9.3%	17.5%	58.8%			

\* Questions that do not appear in Statistics Canada’s General Social Survey

This data demonstrates clearly that in terms of all of the above criteria, street youth demonstrate a high degree of alienation towards the police, and rate their performance poorly. These figures are particularly compelling when compared with mainstream youth.

Canadians, in general, hold the police in high regard, and young people (15-24) while slightly more pessimistic than adults, also generally have positive attitudes about the police and feel they do a good job. For instance, while only 14.3% of street youth feel the police are enforcing the laws well, 55.7% of mainstream youth feel that they do. Likewise, 64.6% of street youth feel that the police do a poor job of ensuring citizen safety in their area, while only 5.7% of mainstream youth do.

Clearly then, street youth demonstrate a profound lack of faith in the job that police do, and also in how they are dealt with personally by the police. This has profound implications in terms of their own perceptions of safety, their strategies to protect themselves, their faith in systems of justice in Canada, and their interactions with police. It also affects whether, where and how they seek retribution for, or protection from, crimes committed against them. The relations between street youth and the police will be explored in greater detail in a later section.

#### **4.1.6 Street Youth and Victimization**

The circumstances that produce such high levels of victimization amongst the homeless are myriad and complex. The first factor to consider relates to the increased risk that homeless people face because they lack the security of person and property that a home provides. This has several implications, most notably the fact that their very public lives make them much more vulnerable to assault and theft of personal property. Without a safe place to store goods, they must carry their possessions with them. Without a safe place to recover, people who are ill or incapacitated due to drugs or alcohol are vulnerable to criminal assault.

The second factor relates to the economy of the homeless. The subsistence strategies homeless people employ in order to survive carry with them great risks for assault, theft and other forms of victimization. People who are homeless panhandle and take odd jobs, but many are also trapped in an economy where they are involved in prostitution and/or criminal acts such as theft and drug dealing, all of which carry great risks. It should be noted that the economy of the homeless is also a cash economy. If street youth do have any money at all, they generally carry all of it with them, which exposes them to further risk. As with the first factor, economic strain and material deprivation are relevant factors.

The third factor to take into account refers to the significance of background variables. Because many homeless people come from backgrounds where they have experienced personal violence (physical, sexual abuse, parental neglect, domestic violence, etc.), it is argued that they are at higher risk for becoming victims later in life.

A fourth factor that increases the risk of victimization of homeless people is their forced proximity to other people who may be offenders themselves, and to career criminals. People who are homeless do not have the freedom of movement that most people enjoy, and tend to be relegated to areas of the city that are more dangerous. While this project did not specifically examine offending by homeless people, respondents in the survey did indicate that other homeless people are in some cases responsible for theft and acts of violence.

Fifth, because of their marginalised status, people who are homeless generally believe themselves to be vulnerable because they are not able to make use of safety practices and strategies, or rely on police and protection services that other Canadians have access to.

Finally, and of great significance here, are the policies and practices of provincial and municipal governments to ‘protect the public’, and to engage in ‘community safety’. It is argued here that statements by public officials, the

media's account of street youth, public policies, laws directed at street youth, and directives to police forces to contain and control homeless people leads to an environment where the safety of homeless people is jeopardized. All of which begs the question as to the degree to which popular notions of the 'public' and 'community' includes the homeless.

## 4.2 Criminal Offending

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It is necessary to examine the criminal offending behaviour of street youth in order to make sense of both their own victimization, and also, their engagement with the criminal justice system. The relationship between criminal victimization and offending behaviour is one that has received much attention in criminological research. For street youth, several factors complicate this relationship. For instance, to what degree does a history of poverty, family dysfunction, physical and sexual abuse have an impact on their victimization and offending behaviour as teenagers? At the same time, how does life on the streets impact such factors? While it seems clear that homelessness does indeed make someone more vulnerable to criminal victimization (both assault and property crimes), the relationship between homelessness and criminal offending needs to be explored further. That is, to what degree can we consider criminal and delinquent behaviours and acts as being driven by the imperative of street youth to meet immediate survival needs and to deal with their personal safety and that of others around them?

In this study, we examined criminal offending by asking street youth whether they had engaged in a series of violent and non-violent activities. Some of these are criminal, others are not. These activities were selected so as to reflect involvement in criminal behaviour generally, but also to indicate acts that young people might engage in either because their high rate of victimization (“hitting someone in self defense”) or as a survival strategy (“stolen something you needed”). In Table 19, the results are presented, indicating the number of times they may have committed the following acts in the previous twelve months. The final column, “Total criminal activity”, indicates the percentage of young people who engaged in the acts at least once.

**Table 19**  
**Street Youth Criminal Offending**  
*“In the past 12 months, have you done any of the following?”*

	Never	Once	A couple times	Many times	Refuse to answer	TOTAL criminal activity
Hit someone in self defense .....	39.9%	12.1%	25.8%	19.2%	3.0%	57.10%
Hit someone (another reason) .....	41.8%	17.3%	19.9%	16.3%	4.1%	53.50%
Attacked someone .....	58.2%	10.2%	16.3%	11.7%	3.6%	38.20%
Stolen something you needed .....	46.9%	13.3%	19.9%	17.3%	2.6%	50.50%
Stolen something so you could sell it .....	61.7%	9.2%	12.2%	14.3%	2.6%	35.70%
Used a weapon to defend yourself .....	66.2%	11.3%	11.3%	8.2%	3.1%	30.80%
Used a weapon to attack someone else....	76.1%	6.6%	5.6%	8.1%	3.6%	20.30%
Sold drugs .....	50.0%	7.6%	11.6%	25.3%	5.6%	44.50%

These statistics demonstrate high levels of offending behaviours. It is interesting to note that in terms of violent acts, street youth are more likely to report hitting someone as an act of self-defense than in an effort to attack someone else. Likewise, weapons are used more commonly for self-defense than for offensive purposes. In terms of theft, a higher percentage of youth report stealing something for personal use rather than to sell it, though in either case, for someone living in poverty such theft may be seen as a means either of generating income for survival, or in order to meet immediate personal needs.

#### **4.2.1 Comparing Street Youth with Mainstream Youth**

It is generally well established in criminological research in Canada that young people are more likely than adults to commit a broad range of criminal activities. One issue that needs to be addressed is whether the rates of criminal offending by street youth are in fact typical of young people under the age of 24. Because interviewing a comparison sample of housed youth who are not street involved was

beyond the scope of this research, we cannot directly compare these rates with norms for young people aged 16-24. However, an extensive research study on youth and violence in Toronto has just been released that gives some insights. In the Toronto Youth Leisure and Victimization Survey (Tanner & Wortley, 2002), the researchers surveyed 3789 young people in Toronto, almost 400 of whom were street youth.. They looked at 16 criminal or deviant activities, and 7 violent activities. A selection of their results, displayed in Table 20 below, demonstrates clearly the greater involvement of street youth in criminal offending activities, when compared with a broad based sample of young people in school.

**Table 20**  
**Percent of Respondents Who Report That They Have Engaged in Various Forms of Deviant Activity Over The Past Twelve Months**

	High School Students	Street Youth
Assault with intent to cause Serious Harm	10.4%	43.9%
Got into a Physical Fight	30.5%	72.4%
Theft of Food or Drink	29.2%	56.0%
Other Minor Theft (< \$50)	24.6%	56.4%
Other Major Theft (> \$50)	9.8%	52.3%
Sold Illegal Drugs	10.9%	54.1%
Had Sex for Money	1.5%	20.0%

(note: From Toronto Youth Leisure and Victimization Survey (Tanner & Wortley, 2002))

In terms of virtually all the activities they measured, street youth had higher rates of participation than mainstream youth in school. Tanner and Wortley argue that there is also a qualitative difference in terms of involvement; that “while much of the student deviance captured by our survey can be considered experimental or temporary, street youth often engage in various forms of deviant activity as a regular part of their daily lives” (Tanner and Wortley, 2002:109), and even more significantly, that street youth are much more likely to engage in deviant activities that generate money.

## 4.2.2 Unemployment and Crime

One of the themes of this report is that we need to make sense of the relationship between the criminal involvement of street youth and the need to generate income when one is young, inexperienced and homeless. There is a body of research in criminology that has explored the relationship between criminal offending and unemployment. It is argued that for a variety of reasons, that labour market volatility (especially the experience of prolonged unemployment) is linked to criminal behaviour, in particular property crime amongst males. Basically, the argument is that criminal offending increases with duration of unemployment (e.g., Baron and Hartnagel, 1998; Sullivan 1989; Chiricos 1987). Hagan and McCarthy, in their expansive study of homeless youth in Canada, have focussed on the degree to which economic hardship encourages young people to engage in street crimes such as theft, drug dealing and prostitution. A study of unemployed youth in several New York City neighbourhoods has convincingly argued that when young people are shut out of the conventional labour market, they make 'rational' economic choices to engage in criminal behaviours that produce income such as selling drugs and theft (Sullivan, 1989), an argument also made by Baron and Hartnagel (1998) in their study of homeless youth in Edmonton.

Most recently, the work of Gaetz and O'Grady seeks to shift the discussion of street youth activities such as panhandling, squeegeeing, drug dealing and the sex trade from a focus on criminal intent and delinquency, to one that explores such acts as part of the range of economic strategies of the homeless. The response of the State - whether in terms of laws, policies or law enforcement - must thus take into account the circumstances that encourage street youth participation in criminal behaviour, and restrict their participation in the formal labour market. A question that must be asked is whether recent legislation that outlaws money making practices such as squeegeeing and curtails panhandling has in fact forced those street youth who cannot compete in the job market into more criminalized and deviant behaviours in order to survive.





# 5.0 Police, Courts and the Criminal Justice System

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The fact that street youth are very likely to be victims of crime, on one hand, while they are also often predisposed to committing illegal acts, on the other, perhaps suggests the inevitability of their interaction with police. Unfortunately, much of this interaction is focused on their offending, rather than on their victimization.

In this section, the involvement of street youth in the criminal justice system is explored. While without a doubt the police, judges, prison guards and lawyers will have something to say about their interactions with street youth, in this report, we are focusing specifically on the perspectives of young people who are homeless. Their voices rarely get heard in public debates about community safety, policing and issues of justice.

In the first part of this section, the perspectives of street youth regarding their relations with the police are examined. As will be seen, street youth believe that they receive special - and often unfair - treatment by the police. Street youth live very public lives where their activities - both legal and illegal - are often under scrutiny. They report that while on some occasions police are quite helpful, their relationship is more often characterized by conflict. In fact, in our survey, a large number of street youth make allegations of police harassment and misconduct. One consequence is that as a group, street youth in Toronto appear to be profoundly alienated from the police.

Because of their lifestyle and their interactions with police, many street youth wind up having to go to court. The percentage of street youth who have been arrested, appeared before a judge and wound up in custody is incredibly high. In this section we explore how street youth experience this process. One of the consequence of this involvement in the criminal justice system is that many street youth have in fact retained lawyers. Their experiences with lawyers in this context will be examined.

## 5.1 Relations with the Police

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The relations that street youth have with police are complex and difficult, and must be made sense of in light of both their victimization and offending, but also, the fact that as homeless people, much of their living takes place in very public spaces. As has been argued above, street youth are much more likely than mainstream youth to be victims of crime, both minor and major. The risk of being robbed, beaten up and /or sexually assaulted is very real when you are young and on the streets. The desire for protection and safety, and for the police to be responsive to their needs, is quite profound in such circumstances.

On the other hand, it is also clear that many street youth engage in criminal activities at one time or another. This may mean possessing or dealing drugs, assault or 'break and enter'. It must also be recognized that many street youth criminal activities are deeply embedded in their struggle to survive in circumstances where getting and maintaining employment and shelter are highly problematic. As a result, many street youth report stealing food or clothing to meet immediate needs. They also engage in money making strategies that are illegal or quasi-legal such as panhandling, squeegeeing or prostitution. These activities are not uncommon amongst homeless people and other marginalized populations that require cash in hand on a daily basis, and which at the same time are largely shut out of the mainstream job market.

The key to making sense of this is the fact that street youth live highly public lives. Lacking the the security of a home, they are forced to spend much of their time on the streets, sitting in doorways or in front of stores, in parks and alleyways. Street youth are often 'moved on' from semi-private spaces such as restaurants, shopping malls and public transit stations by security guards or other employees who see them not as customers, but because of their visible poverty, as 'undesirable'.

For people who are homeless, young or old, there are not necessarily

many (if any) safe, private spaces to go home to, or simply to seek refuge in. The streets become the ‘living room’ of homeless youth; spaces where they relax, reflect, meet friends and engage in recreational activities. Many of these activities are not that unusual for teenagers, such as hanging out in groups, drinking and / or using illegal drugs, or engaging in loud boisterous behaviour. The difference is that for mainstream youth, these things are more likely to occur in private (in the bedrooms and rec rooms of private homes), in remote parks in residential areas and in commercial establishments. Of course, in many cases such youthful indiscretions do in fact come to the attention of the police, but because of greater resources and security of mainstream youth, they often escape detection and / or prosecution. For street youth, these activities are played out in public, on the streets, all the time. The likelihood of resulting involvement with the justice system is of course much higher.

### **5.1.1 Encounters with the Police**

It can be argued that encounters with the police are perhaps inevitable when you are young, homeless and living on the streets of Toronto. In our survey, we asked street youth to talk about any incidents where they may have been involved with police in the past twelve months, and if they had more than one encounter, to describe the most significant one. Our results show that almost three quarters (73.4%) reported some level of engagement with police in the previous twelve months. Many, if not most, had more than one encounter with the police.

Of those who reported that they had an encounter with the police, 17.4% identified incidents where they were victims of a crime, and the police intervention was on their behalf. One half of these incidents had to do with spousal / partner abuse (all cases reported by females); events which in some cases precipitated homelessness. In spite of the high levels of victimization experienced by street youth, it is not, in general, episodes of victimization that bring street youth into encounters with police.

More commonly, it is when street youth are suspected of committing a crime that they become involved with police. 46.3% of those who reported an encounter with the police said that they were being charged at the time. This can include charges where they were arrested, but also includes the many incidents where street youth are given tickets (to be discussed below). Many who were charged acknowledge that they were in fact breaking the law at the time, while as we will see, others protested that they were not, expressing the view that the law was being applied unfairly in their case. Nevertheless, in spite of the fact that a majority of street youth have negative opinions of police, many do, at the same time, have fairly conventional attitudes about policing, and respect the fact that police ‘have a job to do’ in enforcing the law.

*“I was sleeping outside one night when a police officer pulled over and said, “It hurts me to see a young girl like you sleeping outside”. He talked to me like a father and then drive me personally to a shelter.”*

Yvette, 17

*“I was sitting on a street corner, crying. A lady who was walking by stopped and asked me if I needed help. I said “No”, but the lady said she was going to go call a friend. Soon after, a cop came and bought me a coffee, then took me to a shelter.”*

Michelle, 15

## 5.1.2 Helpful Conduct by the Police

While in the case of both incidents of criminal victimization and offending, street youth encounter the police under difficult circumstances, it is not the case that street youth as a group automatically regard exchanges with the police as problematic or confrontational. In our survey, we asked street youth to identify incidents at any point in their past, where the police were considered to be helpful. While 59.6% of street youth could not cite any such incidents, 36.4% could indeed cite examples of supportive behaviour by police.

In these cases, police are described as being respectful, often helping to calm them and reassure them in difficult circumstances. Some incidents involve interactions that occurred before the youth was homeless; in other cases, the helpful acts occurred after they wound up on the streets. This includes cases where police are reported to have given them money, food, rides to places they needed to get to, and to have assisted them in getting access to shelters and other organizations set up to serve street youth. Finally, police are often described as being ‘supportive’ when they have an opportunity to charge a street youth with an offense, but instead let them go without laying charges.

### 5.1.3 Police harassment and misconduct

Young people who have been on the streets are generally able to distinguish the actions of police officers that they regard as reasonable (or at least justified) from those that are considered inappropriate or a violation of the law. Most street youth feel that they receive an inordinate amount of attention from the police and that there is something unjust about the fact that they are approached, searched, ‘moved on’ and charged more frequently by the police than are mainstream youth.

It is not the fact of simply being arrested that leads street youth to distrust and fear the police. Rather, it is when police are seen to ‘step over the line’, and go beyond what is deemed to be necessary in doing their jobs, that street youth report serious complaints. In fact, 49% of those who had dealings with police in the previous year reported that their most significant encounter involved police harassment and / or misconduct. In Table 21 below, the most frequent forms of harassment / misconduct reported by street youth outlined.

**Table 21**  
**Percentage of street youth who identify a significant form of harassment amongst those who had an encounter with the police**

	Frequency	Percent
Abusive and rude treatment	39	53.4%
Assault	20	27.4%
C-Pic / stop and search	12	16.4%
Annoyance charges (tickets)	11	15.1%
False charges / illegally detained	7	9.6%
Threatened me	7	9.6%
Stole from me	6	8.2%
Moved on from parks or streets	5	6.8%

What is most alarming here are the allegations of police misconduct. For instance, a significant number of street youth reported various forms of ‘assault’ by police officers, including a broad range of actions such as being roughed up on the streets and / or when they are being detained. It also includes incidents where street youth report the police beat them up, either

*“In another incident, I was squeegeeing at a corner, when a police car drove up. The supervisor of 14 division got out, threw me against a car, roughed me up, and tore my shirt. He asked me questions and when I would answer, he would yell, “I didn’t tell you to talk”. He got me to empty out my pockets, took my money, threw my ID, etc. on the ground, then took off. I was also beat up by the cops in Mississauga for being mouthy.*

Marcus, 19

*“I was picked up by a cop at Ossington and Queen when prostituting. After I was inside the car, the cop said, “Suck my dick or I’ll take you down to the station.” The cop didn’t have a uniform on, and he was driving an unmarked car, but he showed me his badge. This same type of thing has also happened to my best friend more than once.”*

Heather, 17

in public on the streets, in police cars, or when taken away to remote places such as “Cherry Beach”, a remote beach location at the end of Cherry Street in downtown Toronto (6 youth reported the latter). Finally, one young woman who works as a prostitute reports an off duty police officer asked her for sexual favours or he would “take (her) down to the station”.

*“I was fried and I was having an argument with someone. The cops drove up and put me in handcuffs. They put them on in a way that really hurt and twisted. I told the cop they hurt, and he opened the door and hit me. He knocked out my teeth.”*

Andrew, 23

*“There was a fight on Yonge Street. People were standing around ... the police told everyone to move out. I was standing there and a cop pushed me to the ground. I told him that I was pregnant ... he said “I don’t give a fuck, that would be one less problem in the world”*

Chelsea, 17

While 20 young people reported police violence as being part of their major encounter with the police in the past year, the number of young people who report at least one episode of police violence at some time in the past is much greater (90 persons, or 58%). It is of course acknowledged that there will be cases where police violence may result from the provocative, non-cooperative and / or violent behaviour of the person being arrested, and in fact several street youth in our sample implicated their own behaviour in past incidents (usually citing the fact that they talked back). Nevertheless, in our survey, 48.1% of those who report experiencing police violence claim that it was unprovoked on their part. Most (though not all) incidents of alleged police violence are reported to have occurred in the downtown area of Toronto, where most street youth frequent.

Other disturbing stories of police misconduct include reports of the police confiscation of property when street youth are not being charged with an offense. Though only 6 youth identified this as being the most serious encounter they had with the police in the past year, 24 young people (approximately one in 8) reported that this had happened to them sometime in the past. Possessions reported confiscated and not returned include drugs, money, identification and other personal belongings.

While allegations of police misconduct are without a doubt serious, the most common complaint by street youth is that police treat them in an abusive and rude and offensive manner (53.4%). They report that whether they are being charged with an offense, or they are simply standing around minding their own business, the police treat them poorly, in ways they imagine that mainstream youth are not treated.

Other forms of harassment by the police include regular stop-and-searches, and the experience of being continually ‘moved on’ by police from parks and the streets. This is seen by many street youth as a campaign to harass them so that they will get fed up and leave town. While small numbers reported such events to be the most significant encounter they had with the police in the past year, it is important to note that two thirds of our sample (67.1%) remarked that they were kicked out of public spaces by the police in the past. Of that group, 39.5% report that this happens with great regularity. Street youth complain that often when they are standing or sitting on the sidewalk, or when they are sitting on a park bench doing nothing, the police will approach them, ask for identification and attempt to move them on. Often this involves searches, verbal harassment, confiscation of goods and in some cases the use of force.

## 5.1.4 Receiving Tickets

One final form of harassment identified by street youth has to do with the inordinate number of tickets that they receive from the police. While street youth do report that they are often charged with offenses they do not commit, it is reasonable to assume that aside from harassment, such charges are merely the product of policing errors. ‘Annoyance charges’ here refer to instances where the police use their discretionary power to harass street youth, and in particular, to regularly hand out tickets to street youth for such things as littering, jay walking and spitting in public, where such tickets are more rarely given to the general public.

Street youth also receive tickets for activities directly connected to their homelessness, including squeegeeing, panhandling (both as a result of the *Safe Streets Act*), trespassing, and sleeping in parks. In most cases, street youth interpret such tickets as harassment, whether they were technically in violation of the law or not, as it is their belief that mainstream youth are

*“I had \$400 on me from my bank, the cops took it from me. They said I was dealing drugs, then they told me if they saw me dealing drugs again they would kick my ass”*

Dan, 19

*“I saw the police and then went around a corner. They followed and went up to me, saying, “Why’d you go around the corner?” I said, “I didn’t want to talk to you guys because I knew you’d harass me.” They said, “We should charge you.” I said, “For what?” They said, “For evading the police”. Then they asked me what I was. When I said I was Native, they said, “Just give us your drugs”. When I said I didn’t have any, they searched me. When they didn’t find anything, they let me go.”*

Aaron, 20



*“This has happened a couple of times. For example, at a park by Queen and Spadina yesterday (Dec.5), I was playing cards with four other people. The police came by and said, “You have to leave”. We said, “Why? This is a public place, why can’t we be here?” They answered, “You need to leave now.””*

Steve, 22

*“I got taken into the station for squeegeeing, they wouldn’t give me back my money cause they said it was the proceeds of a crime”*

Francis, 17

much less likely to receive tickets for such infractions, even if they too are breaking the law.

58.1% of street youth suggest they have received tickets since they became street involved. In Table 22, the percentage of street youth who report receiving at least one ticket for different offences is indicated. It is important to note that many street youth relate that they have repeatedly received tickets for a broad range of offenses.

**Table 22**  
**Percentage of Street Youth Who Have Received Tickets From Police for the Following Offenses**

	Frequency	Percent
Trespassing	60	29.4%
Drinking in public	49	24.0%
Riding public transit without a ticket	40	19.6%
Squeegeeing	39	19.1%
Panhandling	25	12.2%
Sleeping in a park	20	9.8%
Littering	18	8.8%
Jay walking	16	7.8%
Spitting in public	12	5.9%
OTHER <sup>7</sup>	40	19.6%

### 5.1.5 Responding to the Police

It is evident that a large number of street youth claim to have been mistreated by the police in one way or another. Street youth spoke extensively of police harassment, where the police used their discretionary powers to ticket, stop and search, and move people on. Also reported were numerous incidents where the police are described as having ‘stepped over the line’ in using excessive force in arresting them, or in some cases simply to intimidate them.

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<sup>7</sup> Examples of other tickets include: swearing in public, communicating for the purposes of prostitution and public urination.

One of the questions that follows from this is whether street youth believe that they have any ability to call into account the behaviour of the police. The police complaints procedure currently in existence in Toronto requires that a person who feels that they are a victim of police misconduct must enter the relevant police station and file a written complaint (one cannot fill out a complaint as a witness of police misconduct) and provide personal contact information. Such complaints, if considered legitimate, are then investigated by the police.

*“I didn’t do anything about it. You can’t do anything about it. It’s their word against you. They’re a cop and I’m a street kid. They can pretty much get away with anything.”*

Jane, 21

In response to the incidents of transgressive behaviour by police, street youth will occasionally file official complaints, as did 13 people from this study. In one case, a street youth reported that a police officer was disciplined for his misconduct. In the rest of the cases, street youth report that there was no outcome that they were aware of.

*“No, because I don’t want to deal with that. You know what happens when you file a complaint with the police. They make your life miserable. They pick you up every time you walk down the street.”*

Stan, 22

A more likely response of street youth to police misconduct is to do nothing. In fact, 83.1% of those who responded to the question “When these things happened, did you file a complaint?” said that they did not, with many arguing that they wouldn’t in the future. The main reasons for not filing a complaint are found in Table 23 below.

**Table 23**  
**Main reasons for *not* filing a complaint about police misconduct**

	Frequency	Percent
It would cause more problems	10	15.6%
Nothing would happen / a waste of time	32	50.0%
No lawyer / don’t understand the process	3	4.7%
I was doing something illegal at the time	6	9.4%
no - no explanation	13	20.3%

*“I probably would find a different organization to go to. Now that I’ve been in a shelter and found out how quickly they attend to things. I wouldn’t go to the police. Dealing with (the police) is not great. Maybe if I had housing and was actually a member of society I might.”*

Evan, 19

The main reasons street youth gave for not pursuing the matter had to do with their lack of faith in the complaints process. Half of those who said they would not file a complaint believed that if they did, nothing would happen. In some cases, the lack of faith is based on a general belief that the complaint system is unresponsive and doesn’t work. In other cases, young people

expressed their belief that because they were street youth, they would not be believed anyway.

*“Would I ever contact them? Never ever ever. That’s a laugh. I’ll never dial 911 ever. I don’t care if I’m bleeding to death. I don’t care if I’m shot. It won’t be worth the hassle.”*

Sean, 22

*“They make you sound more low than you actually are. They try to put you on the right step but they wind up putting you further and further back.”*

William, 20

*“I would like the police to leave me alone. I would like the police to listen, calm down, slow things down & talk calmly instead of ignoring what I has to say, making assumptions, and rushing to arrest me. I wish the police would treat me with respect.”*

Sophie, 16

A more ominous perception of street youth is expressed by those who suggested that the reason they did not file complaints is because they felt that it would simply cause them more problems with the police. That is, that they would likely be victims of retribution if they complained, because the offending officer would inevitably find out (because police investigate the complaints), and that the officer (and partners on the force) would seek revenge and cause more problems in the future. As is the case with other types of victimization they experience, many street youth feel that they profoundly lack access to justice.

### **5.1.6 Street youth Alienation**

In a prior section dealing with criminal victimization, the attitudes of street youth were compared with the mainstream youth population. It was identified that by most measures, street youth have much more cynical attitudes about the job the local police do in terms of enforcing the law, being approachable and in dealing

with them. The alienation that street youth feel towards the police is indeed quite profound. When asked if, in the future, they personally were a victim of a crime, would they contact the police, street youth gave various responses (Table 24, next page).

The bottom half of the table summarizes reasons why they would not contact the police. Approximately one third (32.1%) argued that they would involve the police, and 26.9% said that they might, depending on the seriousness of the crime, and where the crime occurred (for instance, they would involve the police in the event of a serious crime, like murder).

**Table 24**  
**Percent of street youth who would involve the police**  
**if they were a victim of a crime in the future**

	Frequency	Percent
YES	55	32.1%
DEPENDS on circumstances / type of crime	46	26.9%
Don't know	8	4.7%
NO TOTAL:	54	53.2%
No, I deal with it myself	29	16.9%
No, they don't like street youth so it's pointless	28	16.4%
No, I don't like cops	15	8.8%
No, it will make the situation worse	8	4.7%
No - no explanation	4	2.3%
No, I'm not a snitch	7	4.1%

n=171

Significantly, 53.2% said that they would NOT involve the police if they were a victim of a crime. As argued earlier, there are many reasons why young people might prefer to not involve the police, including their belief that ‘they can take care of it themselves’ or that they ‘don’t want to be known as a snitch’. While street youth identify these factors as significant reasons, they also cite a number of other reasons more closely identified with their homelessness and perceived marginality

The harassment and mistreatment that street youth reportedly endure in many cases took place in public and was witnessed not only by members of the public, but by other street youth. The stories of harassment and misconduct also circulate amongst street youth, so that even those who have not been directly affected by such events may begin to formulate negative attitudes about the police.

There is no doubt that street youth are a highly victimized segment of the Canadian population, and as a group, street youth consider the actions of the police to contribute to this victimization, which undoubtedly further marginalizes them and alienates them from mainstream society. Street youth in general suggest that it is because they are homeless youth that they are

*“I would like the police to help me. They should be protecting people without money too, not just those with money. They should get off their power trip, and stop considering themselves to be superior.”*

Sue, 18

*“I would like them to treat me with respect, with dignity, with the acknowledgment that I’m a human being not an animal. They try to generalize youth into one big category. No room for negotiation with them - they just throw the cuffs on you and put you in jail over something that could be resolved between two individuals.”*

Al, 22

targeted for such police action. They are also aware that in part police are responding to the directives of (and statements by) politicians at the provincial and municipal level who have said that street youth are a 'problem'.

## 5.2 Being Arrested and Going to Court

By any measure, the involvement of street youth in the criminal justice system is considerably higher than is the case for the mainstream youth population. In recent years in Canada, around 4% of young people (aged 12-17) are arrested annually (de Souza, 2001)<sup>8</sup>. Five year trends show that the number of young offenders charged with certain offenses are dropping. In particular, there has been a noticeable drop in young offenders charged with property crimes (breaking and entering (-35%), possession of stolen property (-31%) and theft (-22%).

On the other hand, the percentage of street youth who report they have been arrested is quite considerable, and indeed, the perception of many that they will inevitably be arrested for something is not entirely unfounded. In fact, our survey shows that two thirds of our sample (66.2%) have been arrested at some point in their life. If one were to eliminate refugees from the sample (who are new to the country, and generally report little or no interaction with the police or justice system in Canada) the figure would be even higher.

**Table 25**  
**Being Arrested: Lifetime Frequency of Incidents of Arrest**

	Frequency	Valid Percent
Never .....	62	30.4%
Once .....	18	8.8%
2 - 4 times .....	45	22.1%
5 - 9 times .....	18	8.8%
10 or more .....	35	17.2%
did not specify ....	19	9.3%
Other .....	7	3.4%

n=204

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<sup>8</sup> In comparing these statistics to street youth population, several differences should be noted. First, 'young offenders' refer to youth between the ages of 12-17, while the street youth sample for this survey were between 15 - 25. Second, the Statistics Canada survey refers to offences during the past year, while in our survey, we are examining arrests over lifetime.

In Table 25, the frequency of lifetime arrests reported by street youth is presented. What is particularly interesting here is not only that a high percent age have been arrested at one time or another, but also the fact that one quarter of the total sample (26.0%) have been arrested five or more times. We asked the young people surveyed to indicate what kinds of things they were arrested for. They reported the following: 56.3% of those arrested in the past were arrested on assault charges (assault, assault with a weapon, assaulting a peace officer). 43.7% have been arrested for property crimes (break & enter, theft ‘over’, and theft ‘under’). 37.7% have been arrested for drug related offenses (dealing, possession), 10.3% for bail / parole violations and ‘failure to appear’(at court or for finger printing/photos), and 2.5% for ‘communicating for the purposes of prostitution’ (6% did not indicate what they were arrested for).

### **5.2.1 Going to Court**

Given the legal and justice issues of the street youth population, it should not be surprising that almost two thirds have gone to court (64.7%). The overwhelming majority of these court appearances have to do with criminal charges. Nevertheless, given the broad range of issues that street youth are confronted with - including landlord / tenant conflicts, employment problems, family law, immigration, discrimination and their own criminal victimization - the fact that their engagement with the legal and justice system is largely through their own criminal offending suggests that their justice issues are not being adequately met.

This, of course, has an impact on the nature of their experience with, and access to, legal consultation and representation. It is through court appearances that many young people who are street involved become connected with lawyers. The nature of their involvement with lawyers will be discussed in greater detail later.

## 5.2.2 Going to Jail

Of course, one of the outcomes of their involvement with the criminal justice system is that they do wind up in jail. 54.4% of our street youth sample report having spent time in jail. This, of course, includes criminal convictions where they are sentenced to jail time, but also, time spent waiting for trials or bail hearings, and times when they may wind up over night in the drunk tank. Because street youth often lack the resources to go into bars (or because they are underage), and at the same time, because they generally have no homes to go to after a night of drinking or drug taking, their displays of inebriation become much more public than youth who use alcohol or drugs on private property, with an increased likelihood that they will come to the attention of the police and will be charged.

## 5.2.3 Attitudes re: the Criminal Justice System

Given their experiences with the justice system, and in particular the unusually high percentage of street youth who have made court appearances, it is interesting to gauge their attitudes about the criminal court system, in comparison to other young Canadians their age.

**Table 26**  
**Comparison of Street Youth and Mainstream Youth**  
**Attitudes about Canadian Criminal Courts**

<i>“Do you think Canadian criminal courts do a good job, average job or poor job of...”</i>	Street Youth			Mainstream Youth		
	Good job	Average job	Poor job	Good job	Average job	Poor job
... providing justice quickly	7.7%	20.5%	54.4%	21.9%	51.1%	27.0%
... helping the victim	11.3%	32.5%	38.1%	31.4%	49.0%	19.6%
... Determining Guilt	8.8%	26.3%	45.4%	30.8%	54.9%	14.3%
... Ensuring a fair trial	7.2%	30.9%	16.5%	47.0%	44.6%	8.4%

Mainstream youth sample from Statistics Canada General Social Survey 13



Table 26 above presents the attitudes of youth towards Canadian criminal courts, comparing our street youth sample with mainstream youth between 15-24 (from the Statistics Canada General Social Survey 13). While mainstream youth betray a fair degree of ambivalence, and perhaps cynicism, about the Canadian court system, street youth are much more unequivocal in their disdain for the court system. This is partly to be expected because of their greater knowledge and experience with the criminal justice system, courts and jail. Street youth who have gone through the courts, not surprisingly, have more negative views than those street youth who have not. Nevertheless, all street youth will become familiar over time with stories of the criminal justice system, whether they have first hand experience or not.

The complaints street youth have regarding the criminal justice system are many. There is a strong perception that because they are street youth, they are more likely to be charged by police, and wind up in court. While recognizing that their involvement in criminal behaviours is implicated in this process, street youth also suggest that they are often brought before the courts over spurious charges, and as a result of the misconduct of the police. As a consequence, many believe that they are more likely to be arrested than other teenagers for doing basically the same sorts of things. One example of this is the high number of street youth who report youth who report being arrested for drug possession (22.1%). While acknowledging it is an illegal act, many street youth recognize that while many Canadians use illegal drugs, few are in fact charged. They feel that if they were ordinary teenagers in a high school, their chances of being arrested for this would be considerably lower.

Street youth also complain about how slow the process is for their cases to be heard. There is often a long time between when they are charged, when a court date is set, when they go to trial, and when their trial comes to a conclusion. While this may be true for almost anyone dealing with courts, two factors exacerbate the situation for street youth. First, the struggle to meet day to day needs (where to sleep, whether there will be food, etc.) means that many

people who are homeless focus on the short term, rather than long term goals. As a result, there is often a noticeable frustration and impatience with processes that are lengthy and intermittent, and for which there are ambiguous outcomes. Second, because street youth are poor, and because they lack systems of support and social capital, they are often unable to post bail. As a result, many street youth languish in jail for long periods of time; often for periods significantly longer than the time they would be / are sentenced to.

Street youth also have ambiguous feelings about the court process itself, and the representation that they get in court. Street youth sometimes represent themselves, but more often than not they use lawyers. In some cases, this means making use of ‘duty counsel’ (lawyers assigned to court houses to provide help to defendants without lawyers); in other cases they have lawyers that are paid through legal aid, and finally, some street youth are able to retain lawyers who they (or in some cases family members) pay for, or who will do ‘pro bono’ work for them. While in general street youth report positive experiences with lawyers, there are often problems which lead to frustration, complicate their court cases and lead to negative court decisions. One of the outcomes is that many street youth feel that they are not receiving justice through the court systems, and that this is largely due to the fact that they are street youth, and that they are poor.

One of the outcomes of the negative attitudes that street youth have about Canadian criminal courts, and the chaotic nature of life on the streets, is that street youth often wind up missing court dates. 57.1% of street youth who have been through the criminal justice system report being charged with ‘failure to appear’, and there are several reasons that street youth cite for this. Many suggest that they missed their court dates because they were worried that they would be convicted, and they wanted to avoid going to jail. Others spoke of reasons that had more to do with being homeless. For instance, court dates were missed because the street youth in question got the date wrong, lost the subpoena or slept in. Others lacked the money for transportation to get to

court. Finally, some street youth spoke of being unable to make the date because they were in hospital, or in jail on another charge. In any event, it is clear that court dates routinely get missed for a number of reasons connected to the chaotic instability of their lives on the streets. These include their tendency to focus on immediate needs and responsibilities, the fact they lack care givers or others in their lives to help support them and ensure that they make appointments, their inability to properly and safely store documents, and the fact that people wishing to contact them to ensure they make it to court (lawyers, social workers) are often unable to get ahold of them because they are homeless. Nevertheless, missing court appearances can lead to serious and negative outcomes, including charges of ‘failure to appear’, warrants for arrest, and further involvement in the criminal justice system.

Having ‘outstanding warrants’ can also lead to problems for street youth attempting to access youth shelters in the suburbs of Toronto. Several suburban shelters are mandated to do ‘warrant checks’ as part of their funding arrangements, and as stipulated in the City bylaws that enabled the shelters to open in the suburbs<sup>9</sup>. Problems arise when street youth are not adequately advised of the consequences of a positive report. In these cases, police are called to the shelter and the young person is arrested on the spot, often without prior warning or assistance in arranging legal representation.

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<sup>9</sup> These conditions emerged as part of the process of setting up new shelters in the suburbs in the face of local opposition. In order to ease resident concerns, bylaws were enacted that stipulate that young people with warrants, and in some cases, young people with a history of mental health issues, cannot stay at the youth shelter in question. As a result, staff at such shelters are required to do what is necessary to determine whether their residents have outstanding warrants.

## 6.0 Accessing Legal Services

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At this point, it is clear that the lives of street youth are complicated by a range of legal and justice issues. Problems with landlords and employers, family law issues, criminal victimization, charges for criminal offending, encounters with the police, courts and jails all produce difficult situations for street youth. These circumstances also occasion the need for legal supports and services of various kinds.

**Legal representation** refers to situations where an individual requires the services of a lawyer to handle a case. This may mean helping a young person navigate bureaucratic systems (CAS, immigration), or through providing legal representation in court (either criminal or civil cases) or before a tribunal. (Housing, employment).

**Legal consultation** refers to a young person's ability to communicate directly with a lawyer. This source of information enables an individual to gain access to accurate and specific information and is preferred by street youth. The downside is that such service is expensive to provide, is not always readily available, and is not in every case conducted in a way that is credible or sympathetic to the needs of street youth.

**Legal information** is important in cases where a street youth needs to find out the general parameters of a situation (such as dealing with eviction) or to help deal with a specific case. For street youth, legal information can be acquired from a number of sources, including staff at street youth agencies, friends, family and pamphlets, for instance. The limitations of such forms of legal information have to do with consistency and accuracy of information available, and also the specificity of information that may be required to deal with the particulars of an individual's case.

In this section, the accessibility of legal information, consultation and representation to street youth is examined. This involves an exploration not only of the type and quality of service they seek and receive, but significantly, the contexts where they are likely to receive legal support.

## 6.1 Working with Lawyers

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There are, of course, a broad range of contexts in which street youth may require legal representation. Though no comparative data is available, it is probably safe to assume that the need for legal representation for street youth is much greater than for mainstream youth. The question then becomes whether they do in fact get access to legal representation, and in what contexts?

In fact, in our survey, three quarters of the sample (76.1%) have had legal representation at some point. Most have used a lawyer on more than one occasion, and some have been able to retain a single lawyer who has been able to represent them on numerous occasions throughout their years on the street.

While a high percentage of street youth have used lawyers in the past, the question of under what conditions they actually retain a lawyer (as opposed to the question of when they might need one), must be addressed. It is evident that in spite of the broad range of legal and justice issues that street youth are faced with, it is when they are up on *criminal charges* that they are most likely to engage the services of lawyers. On the one hand, this may appear to make sense given the fact that their engagement with the legal and justice system is largely through criminal offending. On the other hand, given the breadth and depth of the legal and justice issues that they face, there is reason to argue that street youth are not being adequately served. It is perhaps more likely that street youth seek to retain lawyers when charged with criminal offenses than on other legal issues, because they are required to go to court, and the timing of their court appearances is in most cases beyond their control. In other cases where street youth are victims of criminal offenses, of unfair evictions and / or improper employment practices, for instance, the decision to proceed with legal action rests with them.

There are several reasons for this. Again, the short term thinking that is characteristic of street youth can prevent them from initiating, and following

through on, long term processes with dubious outcomes. Immediate needs come first. A second problem is that street youth in many cases lack basic information with regards to their rights, about the steps they should take, and how processes for seeking justice typically unfold. Third, the above problems are often exacerbated by the considerable barriers street youth face in gaining access to legal representation, and in navigating systems and processes. As a result, street youth may be less likely to actively seek redress and pursue justice that they are entitled to.

### 6.1.1 Accessing Lawyers

The question of where street youth go to access lawyers is itself interesting. When street youth do need legal representation, they utilize a wide range of resources. In Table 27 below, street youth identify the key means by which they have accessed lawyers in the past.

**Table 27**  
**Accessing Lawyers I:**  
**“In the past, how have you accessed lawyers?”**

	Frequency	Percent
Calling Legal Aid .....	42	32.1%
While in custody .....	27	20.6%
Street youth agencies.....	27	20.6%
From relatives .....	23	17.5%
Through friends .....	20	15.3%
Looking in the phone book ..	8	6.1%
Talking with duty council ....	6	4.6%

n=131

As can be seen, the most common route that street youth report using is to contact Legal Aid or a legal aid clinic - a suggestion that may have been given to them at the time of arrest, by friends or street youth service providers. Another point at which street youth acquire lawyers is while in custody. When in prison (after arrest, while awaiting trial, after conviction), street youth are usually unable to use their traditional sources of information, and therefore

rely on prison officials or other prisoners for advice on how to get a lawyer.

As expected, a large percentage of street youth have used street youth agencies to access legal representation, again highlighting the degree to which such agencies act as key ‘brokers’, linking street youth with much needed services. Street youth also rely on friends for advice about which lawyers are good, and on family, who may arrange (and pay for) their representation.

Street youth were also asked about incidents in the past where they needed a lawyer, but were unable to access one. The situations that street youth describe are specific, and often involve conflicts with the police. For instance, eight street youth reported incidents where they were detained and interrogated, and were denied access to counsel. Six others spoke of cases where police assaulted them, and they did not know what to do or how to access a lawyer. Other street youth were unable to access lawyers, but wanted to, when they were victims of crime, when they were being evicted, or having a dispute with a lawyer.

Given their experiences with the justice system and with accessing lawyers, it is perhaps not surprising that they show a general awareness about how they might access a lawyer in the future if they were without counsel.

**Table 28**  
**Accessing a Lawyer II**  
**“If you needed a lawyer tomorrow and didn’t have one, what would you do?”**

	Frequency	Percent
Go to legal aid, community legal clinics, phone hotline	51	30.5%
Go to a street youth agency .....	37	22.1%
I’d call my old lawyer .....	24	14.4%
I don’t know / I’d be screwed .....	22	13.17%
Look in the phone book .....	17	10.2%
Go to family member for help .....	12	7.1%
I’ve got friends who have lawyers .....	10	6.0%
Use duty counsel .....	9	5.4%
Call JFCY / Naomi .....	6	3.6%
Other .....	3	1.8%

n=167

In Table 28, street youth indicate the action they would take. Again, many are aware that they can go through Legal Aid, contact a community legal clinic (such as Justice for Children and Youth) or phone the Legal Aid hotline. The pivotal role of street youth serving agencies is also recognized. Nevertheless, it is important to note that fully one fifth of those surveyed are not sure how to access lawyers.

## **6.1.2 Legal Aid**

The ability to pay for a lawyer affects the conditions under which one gets legal representation. In some cases, street youth relate that they have been able to pay for lawyers through their earnings. In a few cases, family members pay for lawyers. However, in the majority of cases, street youth obtain - and pay for - lawyers through Legal Aid. In our survey, virtually all respondents who had used lawyers in the past said that they had used Legal Aid. In Ontario, Legal Aid is a system put in place to support low income people in obtaining legal consultation and representation in dealing with a range of legal issues, including: “criminal matters, family disputes, immigration and refugee hearings and poverty law issues such as landlord/tenant disputes, disability support and family benefits payments” ([www.legalaid.on.ca](http://www.legalaid.on.ca)). The Legal Aid system in Ontario provides access to legal advice through several mechanisms.

First, a range of free “community legal clinics” operate that provide consultation, and in some cases representation, in dealing with the legal issues of low income residents. Of the 33 Community Legal Clinics in the City of Toronto, 17 are geographically based with strict catchment areas. Another 16 have a more focussed mandate (for instance, environmental issues, family law issues, youth, etc.). A telephone survey conducted for this project last summer revealed that the vast majority do not have street youth as clients, with the exception of three downtown legal clinics (of which Justice for Children and Youth is one).

With street youth, it is often the case that invisible ‘barriers to access’



prevent them from using services that are otherwise open to the public. Just as with the offices of doctors and lawyers, street youth are often intimidated and reluctant to access such services voluntarily, because they are young and inexperienced, and in some cases intimidated by adults. It is important to remember that both their experiences at home prior to becoming homeless, and their life on the streets, has made many street youth distrustful of adults generally, and more specifically, of those with power and authority. More successful approaches (such as that employed by Justice for Children and Youth's Street Youth Legal Services program (SYLS)), involve bringing the legal services to street youth - in this case, to the places that street youth frequent.

Second, Legal Aid Ontario provides Duty Counsel Services. Duty counsel are lawyers who work in courthouses to provide help to clients appearing in criminal, family or youth court who do not have a lawyer present. Duty counsel do not take on cases. Almost half of street youth who have made use of lawyers have used duty counsel at one time or another (in most cases, only once). The level of satisfaction with the service provided by duty counsel (62% are generally satisfied) is somewhat lower than that indicated for legal aid lawyers retained under the certificate program. However, given the limitations of the service that duty counsel lawyers can provide (limited same day service only, inability to prepare) this is perhaps not surprising.

The third mechanism for Legal Aid in Ontario, is the 'certificate program'. This is a program whereby low income clients may be able to retain a private practice lawyer to represent them in criminal, family law and immigration cases, depending on whether the person passes a means test, the nature of the legal matter, and whether they are able to find a lawyer who will take on their case. Legal Aid certificates currently will only be issued for criminal charges, for instance, where there is a 'probability of going to jail', which means that certain charges (possession of marijuana) and fighting tickets are not eligible. Because the 'certificate program' involves fixed fees

to be paid to private practice lawyers<sup>10</sup>, there is a built in disincentive to take on cases that will be long and /or complicated, unless the lawyer in question is willing to provide much of the service to the client for free. Street youth who have accessed legal aid lawyers through the certificate program in general report satisfaction with the service (72.9%).

### 6.1.3 Evaluating Legal Representation

Because so many street youth have had to access lawyers in the past, they are in a unique position to evaluate the quality of representation that they receive, whether their lawyer is paid for through Legal Aid, by themselves or by a relative. In general, three quarters of street youth (74.3%) report that they were satisfied with their legal representation. More specifically, they remarked that their lawyers put ‘effort’ into their cases, and argued them well in court. In these cases, lawyers are described as being willing to spend time explaining options and legal process, and perhaps most significantly, listening to the opinions and desires of their clients. Of course, successful - or at least reasonable - outcomes in their cases increased street youth satisfaction with their lawyers.

There is, however, a segment of the street youth population that related a level of dissatisfaction with their lawyer and the quality of representation they received. It is important to look at the reasoning underlying this dissatisfaction. In some cases, street youth feel their lawyers let them down because of the lack of a suitable outcome to their case (“he didn’t get me off the charges”; “she should get me out of jail earlier”). In several cases, street youth remark on the lack of professionalism of their lawyer (“he shouldn’t drink on the job”; “she should’ve been more honest”).

*“I’ve had good experiences with lawyers because I know the legal system, lawyers taught me how to present myself in front of the judge”*  
Alan, 22

*“It worked out well. My lawyers kept me out of jail whenever possible, and even had a few charges dropped.”*  
Allison, 19

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<sup>10</sup> The fees are based on a pre-determined hourly rate, with a maximum number of payable hours being defined for different types of cases.

*“Yeah, I already have a good lawyer. He isn’t like other lawyers, he tries to find out what you want, explains things in detail, shares all knowledge he has, gives all the options.”*

Chris, 18

*“I hate fucking lawyers. They’ve fucked me so many times. Some lawyers don’t show up to court at all. They always screw up deals. Don’t tell me about probation when I don’t want it. I’d rather do the time, then I don’t have to deal with the probation officers.”*

Marcus, 19

*“NOT GOOD! For example I had one lawyer say out loud, “I think it would be good for this kid to do a little bit of jail time.” I think I could have gotten off on some charges if my lawyers were better.”*

Matthew, 20

More typically, however, street youth complain about the quality of work of their lawyer, perceiving them to have not put the requisite attention and effort into their particular case. The underlying theme of such complaints is that street youth feel that because they are young and poor, and especially if they must depend on legal aid, that they are not getting the type and quality of representation that they require. Some street youth reported, for instance, that their lawyers spend little time with them, showed up in court unprepared, or in some cases, didn’t show up at all. Whether these complaints are due to misconceptions or misunderstandings (for instance, lawyers do not always attend ‘set date’ hearings), or to the poor practice of lawyers is not clear.

Street youth also report that lawyers are often difficult to access, and do not get back to them right away. Some of the difficulties street youth have in dealing with lawyers have to do with barriers to access typically experienced by low income people. As has been mentioned elsewhere in this report, the conditions of instability inherent in living on the streets means that street youth often have a short term focus, and easily get frustrated with processes that last too long, or where instant access is difficult to obtain. Thus, many street youth complain about the fact that their lawyers are unable to obtain quicker results.

Connected to this is the fact that they are also often frustrated by what is deemed to be a lack of responsiveness and accessibility on the part of their lawyer. While it is true that many people in the general public may have difficulty in getting ahold of a lawyer (or any other professional, for that matter), and that this may cause some degree of annoyance, this may become a particularly frustrating obstacle to young homeless people who engage in short term thinking and who are themselves difficult to reach (because they lack a fixed address and / or a personal phone) and may be dependent on sending and receiving messages through a street youth agency, or at a phone booth. Access to lawyers is often compromised because street youth themselves often miss appointments, especially if they are made too far in advance.

Keeping appointments can also become a big problem if you are homeless, your week is unstructured, and you lack the social supports necessary to ensure that you get to the right place at the right time. A significant number of the problems street youth experience with lawyers, then, have to do with the barriers to access they experience as homeless youth.

While all of the above circumstances have an impact on how street youth evaluate legal services, there is one complaint that is voiced more often than all others: about 10% of street youth who have used lawyers complain that their lawyers went against what they wanted them to do. The general sense of dissatisfaction voiced by street youth is that lawyers - particularly Legal Aid lawyers who receive a fixed payment - try to drive the process in such a way as to speed the process and minimize their commitment to, and involvement in the case. For instance, many street youth report instances where they were pressured by lawyers to 'plead guilty' even when they are not. Often, street youth who are in custody already and awaiting trial will be persuaded to take this course of action because it may in fact mean that they get out of jail sooner. Unfortunately, the end result is invariably an unwarranted criminal record.

## 6.1.4 Legal Information

Given the scope of the legal and justice issues faced by street youth, and recognizing their young age and lack of experience, it is important to recognize that often what street youth need is not legal representation, but rather, information. This includes basic information about rights. It also means learning about legal processes and systems relating to, for instance, immigration, landlords and tenants, employment standards, family law, etc.

In many instances, street youth require case-specific information relating to their own experiences as tenants, employees, parents, victims of crime, or after they have been charged. Such information is in some cases

*"No, I wasn't happy with my lawyer. I was pregnant and I wanted to just do the 60 days flat ... the lawyer kept trying to get me on 7 months probation but I didn't want that cause then CAS would look in to me."*

Christina, 17

*"They give up on cases without even trying. They're afraid to fight because they don't want to lose. The way the system works makes this happen. These are the circumstances. They get people to plead guilty when you shouldn't. You are in jail, they say "You can plead guilty, and you'll get a two month sentence. If you plead not guilty, you'll still be in jail but you'll wait six months for trial.""*

Aaron, 20

*"I wanted time instead of probation. They never hear you out - all they want is the legal aid certificate. All they want is money money money."*

Steve, 19

fairly straight forward. In other cases, street youth will require a legal opinion, which is best served through a consultation with a lawyer. Opportunities to have consultations with lawyers are highly valued by street youth because of the accuracy and the relevance of the information they receive. Often they will contact lawyers who have represented them in the past. Some youth report ‘cold calling’ lawyers out of the phone book. Most commonly, street youth are able to access lawyers for consultations through street youth agencies, some of whom have independent lawyers provide such a service. In some cases, Community Legal Clinics provide a drop-in service (Downtown Legal Services, Justice for Children and Youth). The most extensive service is the Street Youth Legal Services program provided by Justice for Children and Youth which will be discussed in the next section.

However, lawyers are not available at all street youth agencies, and certainly not all of the time. For our survey, street youth were asked where, and in what form they would seek legal information and advice. In Table 29 below, the most desirable sources of information that street youth identify are listed.

**Table 29**  
**Accessing Legal Information**  
**Percentage of street youth who identify the following as a source of legal information that they would like to use**

	Frequency	Percent
Staff at agencies .....	121	66.8%
Books .....	78	43.1%
Pamphlets .....	67	37.0%
Friends .....	62	34.2%
Legal clinic / lawyer .....	52	28.2%
Internet .....	45	24.9%
Family .....	15	8.3%
Police .....	12	6.6%
Duty Counsel .....	8	4.4%
No answer .....	9	4.9%

n=181

It is important to note that in answering this question, street youth were often able to distinguish the type of information they might get from a particular source. For instance, ‘friends’ were seen as a good source of information about the qualities of particular lawyers, or about what they might expect in jail, or court.

On the other hand lawyers are seen as sources of more accurate information. In fact, in terms of accessing information, street youth in general expressed their concern about the quality of information they might get access to. As sources of information, they recognize the limitations of friends, but also of street youth agency staff and some pamphlets, which might provide information that is partial or inaccurate. Nevertheless, in spite of obvious limitations, it is still the case that street youth see street youth serving agencies as necessary sources of information, because of the resources they have in house (books, pamphlets), the knowledge of staff, and because in several agencies, lawyers from legal clinics come to do consultations.

Finally, the preferences listed reveal the broad range of learning styles and preferences of street youth. While some young people prefer to have questions answered by staff, legal experts, friends or family, it should be noted that many street youth express a desire to ‘educate themselves’ through using pamphlets, reading books and searching the internet. The question to be addressed is whether adequate, relevant and appropriate information exists in a broad range of formats and through widely available sources for street youth in Toronto.

### **6.1.5 Justice for Children and Youth**

Justice for Children and Youth is a community legal clinic and children’s rights organization located in downtown Toronto. It is mostly funded by Legal Aid Ontario, and is a registered charity. Its mandate is to provide legal information, support and representation for low income children and youth. Justice for

Children and Youth also regularly takes on important test cases relating to the legal and justice issues of children and youth.

In response to a recognized need, Justice for Children and Youth developed an outreach program for street youth in 1999. The program, referred to as Street Youth Legal Services (SYLS) is staffed by one lawyer, and has the mandate to provide service and support to street youth and the agencies that serve them. At the time this research was conducted (fall, 2001), the SYLS lawyer provides information and consultation through weekly drop-ins at four street youth agencies: Evergreen, Shout Clinic, Stop 86 and Youthlink Inner City, and less frequently at other agencies. While generally the SYLS lawyer does not provide court representation in individual cases, she does provide a great deal of summary advice and helps arrange representation when requested. In addition to such drop-ins, the SYLS program provides regular workshops for young people and staff at agencies serving street youth and other marginalised young people throughout Toronto. Finally, Justice for Children and Youth has participated in test cases relating to street youth, including a challenge to the Province of Ontario's "*Safe Streets Act*".

Evaluations undertaken by Justice for Children and Youth suggest a high level of satisfaction by young people who use the service. Because of the skills and sensitivity of the lawyers hired by the program, and the degree to which they develop a relevant knowledge base to deal with the special needs and circumstances of street youth, the service provided is generally considered by young people using the service to be of high quality, and extremely relevant. Nevertheless, new programs generally take several years to get established and develop name recognition, and the SYLS program is no different. At the time of this survey, less than one quarter of the sample had heard of either Justice for Children and Youth or SYLS, though in conversations with street youth, it is clear that more are aware that 'a lawyer' regularly drops in at Youthlink or Shout Clinic, for instance. Currently, the service is used to capacity.

It can be argued that the SYLS program can benefit from the

development of a more visible and stronger identity. Yet, as the SYLS program evolves its reputation grows, and there will undoubtedly be even greater demands on its resources. Given the range of legal and justice issues of street youth, it is inevitable that additional resources will be required to meet the needs of this population.





# 7.0 Conclusion

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Throughout this report we have examined a broad range of contexts where street youth are faced with legal and justice issues. It is argued here that the circumstances of being young and homeless create the conditions whereby street youth are at extreme risk for encountering problems that require some form of legal intervention.

Because street youth are by definition young, their knowledge and experience is limited. While most young people learn the responsibilities of adulthood and how to navigate a range of public and private systems and services in a gradual manner, youth who suddenly become homeless find themselves suddenly in a situation where the need for, and access to, information far outstrip their knowledge and experience. This includes how to get a job, how to rent an apartment, where do you go when you are sick or have a toothache, what to do when things go wrong.

Because street youth are disengaged from families and communities, they have severely limited social capital and supports. Whereas mainstream youth can typically draw on parents, relatives, teachers and counsellors, neighbours and family friends, the police, etc. to provide information, assistance and support when dealing with problems, for the homeless, these relationships, connections and supports are generally lost. Street youth must then depend heavily on other street youth (whose social capital is also weak) and invariably, the staff at street youth agencies to provide some of these resources.

Being homeless means that they are visibly poor, and are unable to purchase services and access supports that others are able to, including legal representation. It also means that they have restricted options in terms of where they live and how they earn a living. Street youth engage in a variety of money making activities which, on the one hand, provide income to meet day-to-day needs, but on the other, carry significant risks and dangers, including the

possibility of encounters with the police, arrests and days in court.

Being without shelter also means that street youth, more than other youth, play out their lives in very public ways. They lack private space in which to rest, recover, and protect themselves. Their indiscretions are inevitably very public, and this again increases the likelihood of encounters with the police.

Because they are visibly street involved, they are vulnerable to exploitation. Whether by unscrupulous landlords or employers, by sexual predators or other criminals, or by a whole range of other individuals who can wield power over them, street youth can be (and are) taken advantage of, because the perpetrator recognizes that young people who are homeless have few resources to defend themselves and little recourse to challenge them.

Because of the inherent instability of their lives on the streets - tenuous housing, uncertain food security, criminal victimization - street youth generally focus on short term thinking. Rather than work towards long term goals, street youth must focus on the most basic immediate needs, including “where will I sleep tonight?”, “What, and when, will I eat today?”, “Will I be safe tonight?”, “How will I get money?”. This tendency towards short term thinking means that street youth often engage in risky behaviours without considering the long term consequences. At the same time, it means that they also resist engaging in processes that are long term, require commitment and continuity, and have uncertain outcomes. This of course has a huge effect on how street youth choose to deal with legal and justice issues.

The marginalization of street youth also means that public policy debates ignore the living circumstances of street youth and instead focus narrowly on their criminal offending behaviour. The range of legal issues and obstacles faced by street youth gets lost in this debate. Instead, the outcome is often a call for more intensive law enforcement strategies in the name of ‘public safety’.

## 7.1 The Range of Legal and Justice Issues

Throughout this report, an effort has been made to capture the range of legal and justice issues that street youth face because they are young and they are homeless. Depending on the circumstances, street youth are placed in a position where they need legal information, consultation and representation. The range of legal and justice issues discussed in this report include:

- **Housing** - Accessing safe affordable housing is a necessary prerequisite for street youth to move forward in their lives. Unfortunately, at a very young age, many street youth have had conflicts with landlords, sometimes due to their own behaviour, at other times due to the unscrupulous practices of landlords.
- **Employment** - Being young, lacking adequate housing, not having finished high school means that street youth, when they do get jobs, are often pushed to the margins of the formal economy. They are often subject to working conditions that are problematic and in some cases illegal. Many are clearly exploited by employers who ignore legal and safety standards. As a result, many street youth ‘fall through the cracks’ of the economy, and wind up making money on the streets, through a range of legal, quasi-legal and illegal activities. These activities cause additional legal problems because street youth are often victimized when engaging in them, and at the same time because of the ‘questionable legality’ of such activities, they often wind up being arrested for them.
- **Family law** - Many street youth have come from family backgrounds that were incredibly difficult. In many cases, they were involved with a Children’s Aid Society, and were placed in group homes or foster care. Some street youth speak of their desire to seek redress for abuse they endured as children. Others hope to establish legal independence from their parents, so as to remove barriers to accessing resources and services.

Of course, some street youth themselves become parents at a young age. Street youth who are young parents often wind up having children taken into care by the Children's Aid Society. Street youth often struggle to gain custody or obtain access rights.

- **Immigration Issues** A growing percentage of the street youth population are immigrants and refugees. They are often in need of legal support regarding their immigration status, which can also have an impact on their ability to get housing, employment and access to services.
- **Criminal Victimization** Street youth are amongst the most victimized populations in society. Their likelihood of being a victim of a range of personal and property crimes is exponentially higher than if they were sheltered and living at home. Safety is thus an issue for street youth, and affects how they must conduct their lives day in, day out. Unfortunately, being homeless affects their ability to seek redress for crimes committed against them.
- **Criminal offending** Just as street youth are more likely to be victims of crime, they are also more likely to engage in illegal activities. While in many cases these activities are connected to the subsistence strategies typical of people who are homeless, this nevertheless increases the likelihood that they will come into contact with the police and be involved in the criminal justice system.
- **Dealing with Police** Most Canadians see the police as helping ensure their safety. Street youth, on the other hand, often see the police as contributing to their own risk of criminal victimization. Street youth make serious allegations of police harassment and misconduct. As a result, many street youth have a lack of faith in policing and do not feel that they receive just treatment.

- **Courts** The percentage of street youth who wind up in court (in some cases repeatedly) is very high. However, in spite of the broad range of legal and justice issues that they face, their appearances in court invariably have to do with criminal offending. They rarely access the courts for help when they have been harmed.

## **7.2 Supporting Street Youth**

As is now clear, the legal issues of street youth are varied and complex. For young people who are struggling to move forward with their lives, these issues can and do create innumerable complications. Without adequate legal information, opportunities for consultation and legal representation, street youth may find themselves facing challenges that are very difficult to meet. Because of the complexities and uncertainties of their lives, legal support must be designed in a way that is sensitive to, and takes account of, the special circumstances of street youth. Because of the instability of their lives, such services must be flexible and widely available so that street youth are able to deal with legal issues in ways that fit with their chaotic life style and propensity for short term thinking. In further developing legal services for street youth, the following should be considered:

### **1) Legal Information**

Ideally, street youth should be able to get their legal information from lawyers to ensure accuracy. However, it will never be the case that lawyers are located at all street youth agencies during all their hours of operation. As a result, street youth must rely on an array of sources (other than lawyers) for legal information, including staff at street youth agencies, friends, family and written materials such pamphlets, for instance. Providing more and better information should be a goal of any effort to improve the ability of street youth to deal with legal and justice issues.

It is clear from this research and our consultations that, to a high degree, street youth depend on the staff of street youth agencies for legal information and advice on a range of issues. Street youth rely on staff because they may be amongst the few adults that homeless youth have developed trusting relationships with. Through time, street youth agency staff develop a body of legal and quasi-legal knowledge relating directly to the life circumstances of street youth<sup>11</sup>. It is also for reasons of availability that street youth go to agency staff, regardless of expertise. Finally, staff and agencies act as ‘gate keepers’ - facilitating street youth access to important resources such as lawyers.

While the quality and depth of legal information provided by staff is rarely as comprehensive as that provided by lawyers, nevertheless, almost every day staff are placed in a position where they must strive to meet the needs of street youth when they show up and present with problems. Organizations such as Justice for Children and Youth have a role in increasing agency capacity to meet street youth needs. Providing support to street youth agencies ensures that street youth have better access to legal information. This is done in several ways.

Staff - like clients - are able to consult with the SYLS lawyer during drop in hours, and also through phone contact. This is a highly effective strategy that helps staff deal with individual cases. A more broad-based strategy involves increasing the capacity of street youth agency staff through professional development opportunities. SYLS currently offers workshops at several street youth agencies. A program of regular workshops (focused both on general and specific topics) will almost certainly raise the capacity of staff at street youth agencies to provide quality information to clients. Workshops also increase the visibility of SYLS staff and establish stronger

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<sup>11</sup> Several points should be made with reference to this. Because there is no systematic approach to professional development of agency staff re: legal and justice issues, the knowledge level amongst staff is very uneven. There are also great differences to be found between the capacities of different agencies.

relationships between agency staff and JFCY. Such workshops need to be planned and conducted on an ongoing basis, as this will ensure agency staff continually upgrade their knowledge. In addition, workshops help agencies with a high staff turn-over deal with the continual loss of institutional knowledge with regards to legal and justice issues.

While street youth do use agency staff for sources of information, they also emphasize their desire to ‘educate themselves’. SYLS staff can assist this process through a variety of means. First, workshops for young people allow street youth to learn not only from a lawyer, but from their peers as well. The workshops ideally mix a focussed discussion on a specific topic, but also create many opportunities for street youth to have their specific questions and issues addressed. A second approach for learning is through written materials in the form of pamphlets, books, wallet-sized cards and internet resources. Currently, a variety of written materials exist that deal with a range of legal topics. Most of these have been developed by Community Legal Information Ontario (CLEO) and are widely available through street youth agencies in Toronto. Other legal resources of this kind have been developed by Justice for Children and Youth and street youth organizations such as Street Outreach Services (S.O.S.). There is a need for information to be developed that deals more specifically with street youth issues, which is available in a wide variety of formats (pamphlets, internet sites, etc.) that are appropriate and useable for street youth. For instance, card sized materials are generally more likely to be retained by street youth.

## **2) Legal Consultations**

The model of providing legal consultations developed by Justice for Children and Youth through its SYLS program can be described as successful. It allows street youth to access expert opinions on broadly defined topics, but also the opportunity to get an opinion on specific cases and situations that are important to them. This information is provided by the SYLS lawyers who



have developed a level of expertise around the needs and capacities of the street youth they serve.

Barriers to access complicate the ability of street youth to access a range of medical, dental and other professional services. This includes the legal profession. Because of the instability of their lives, making and keeping appointments becomes problematic. It also means that street youth are impatient and often want quick access in order to deal immediately with issues that are of importance to them. Because of their youth, poverty and experience of discrimination, many street youth are intimidated by professional office environments and by adults they perceive to have power over them. For these reasons, the most effective form of legal consultation for street youth involves bringing the service to them (or at least, to places they frequent).

By using a drop-in format, SYLS is able to gear its service to the needs of street youth who require information quickly and easily. By locating the service in existing street youth organizations, Justice for Children and Youth is able to build on the trust that street youth have developed with the agencies in question. Both factors help reduce barriers that otherwise prevent street youth from accessing lawyers.

The model is successful and is actively used by street youth who find the consultations useful and the SYLS staff approachable. An expansion of the outreach program would make the service more available to street youth. Nevertheless, there are limits to how much this aspect of the program can expand due to funding and staffing constraints.

### **3) Legal Representation**

The question of the adequacy of legal representation street youth have access to is complex. Of course, a high percentage of street youth have made use of lawyers in the past. While this might suggest that their needs for legal representation are being met, it is important to note that lawyers are typically retained when street youth *must* appear in court - usually to defend themselves

on criminal charges. The legal and justice issues of street youth of course extend well beyond their own criminal offending behaviour. Staff at agencies and street youth themselves suggest that it is more difficult to obtain representation for issues unrelated to criminal court.

The need to find appropriate representation is important as well. Street youth need lawyers who they feel they can trust, who spend time with them, and who are sensitive to the complex and sometimes disorganized lives of street youth.

Street youth also need to know how to deal with lawyers, what to expect and what questions they can and should ask their lawyers. In health care, some resources have been developed to assist street youth in dealing with doctors, for instance. Such materials should be developed to help street youth be more effective in their encounters with lawyers, to ensure they get the best representation possible under the circumstances.

#### **4) Advocacy**

Justice for Children and Youth has taken a leading role in advocating for changes to laws that are problematic for street youth (the *Safe Streets Act*, for instance). It is argued that many existing laws are applied unfairly to street youth (cite: the high number of charges for possession of marijuana), while other laws target marginalized and homeless people (prostitution laws, *Safe Streets Act*). It is also recognized that street youth perceive themselves to be discriminated against and to be treated unfairly by the police, government programs (like welfare) and other service providers.

Public debates continually emerge involving various levels of government that frame street youth as a ‘problem’ that must be solved, often with the solution seen in terms of law enforcement and tougher laws and policies. Such actions are detrimental to the well-being of street youth, and may in fact impede their efforts to move forward with their lives. It will be necessary in the future, for instance, to ensure that in public policy

discussions the safety issues of street youth are considered as part of ‘community safety’. There is therefore a broad demand for JFCY to engage directly in, and/or support, advocacy efforts.

### **5) Community Development and the Involvement of Street Youth**

Street youth need not be seen only be the recipients of legal information, consultation, representation and advocacy efforts. With their life experiences, energy and skills, there are ways that street youth can and should be brought into the process of service planning, development and delivery.

There are ample examples of peer education programs where street youth are seen not merely as passive recipients of services, but rather, are engaged in the production of knowledge and the delivery of service. Examples of street youth peer education activities include harm reduction work, street outreach, the development of health promotion materials, delivering talks and conducting workshops. When street youth are involved as peers, they are able to use their knowledge and experience, are often more trusted than ‘adult’ workers, and bring innovative approaches and ideas to their work. For those who are the peer educators, the benefits are many, including greater stability in their lives (because of having a job), the enhancement of self-esteem, the development of soft and hard employment skills, and an opportunity to contribute to their community.

The development of community-based legal services for street youth is in its infancy. There are opportunities to apply learnings from other fields where street youth peer educators have been utilized. This will only enhance and extend the ability of Justice for Children and Youth to provide effective legal services and support to the high risk population of street youth.

# 8.0 Summary of Recommendations

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## Federal Government of Canada

**Recommendation 1:** *Provide funding and support for Street Youth Agencies who work with refugees and immigrants*

## Provincial Government of Ontario:

**Recommendation 2:** *Repeal the Safe Streets Act*

**Recommendation 3:** *Review the Police Complaints Procedure for the Province of Ontario to ensure greater public accountability and greater accessibility for vulnerable complainants*

**Recommendation 4:** *Expand funding and support for Legal Aid in Ontario, and in particular, for innovative programs for street involved youth*

**Recommendation 5:** *Legal Aid Ontario should provide full and ongoing funding for the Street Youth Legal Services program provided by Justice for Children and Youth*

## City of Toronto

**Recommendation 6:** *Repeal bylaws and policies that require street youth shelters to do compulsory warrant checks on residents, and to exclude youth with mental health and/or addiction problems, and youth on bail or probation.*

**Recommendation 7:** *Ensure that street youth shelters and all agencies working with street youth that are funded by the city receive adequate training and support re: legal and justice issues of street youth*

## Re: Toronto Police Services

**Recommendation 8:** *Begin immediate investigation of allegations of police misconduct re: treatment of street youth*

**Recommendation 9:** *Review policies re: Street Youth and suspend policies and practices that target street youth*

**Recommendation 10:** *Increase training and professional development for police officers re: Street Youth*

**Recommendation 11:** *Review the Police Complaints Procedure to ensure greater public accountability*

### **Justice for Children and Youth**

**Recommendation 12:** *Expand the Street Youth Legal Services outreach program, and develop long term funding strategy*

**Recommendation 13:** *Ensure that professional development of street youth agency staff is an ongoing priority*

**Recommendation 14:** *The development of more and better resource materials, for both staff and clients.*

**Recommendation 15:** *Develop promotional strategy for JFCY and SYLS*

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