

when TEENS HURT TEENS

The Teens Hurting Teens Study is a collaborative effort of the London Police Service and the Child Witness Project of the Centre for Children and Families in the Justice System, funded by the Ontario Victim Services Secretariat, Ministry of the Attorney General.

The focus is on violent crime committed by youth against other youth. We read a random sample of 247 police reports from a three-year period before and after the proclamation of the Youth Criminal Justice Act (YCJA), analysed all police occurrences for 2004, reviewed 105 case files from the Child Witness Project, and interviewed 17 young people (and their parents) who experienced or witnessed peer violence. In addition to a summary report, we have fact sheets of recommendations for four professional groups: schools, police, prosecutors, and those who help young witnesses prepare for court.

IMPLICATIONS FOR PROSECUTORS

Because victims and perpetrators of peer-on-peer violence usually know each other, the events described in a police report are often a snap shot in the context of an on-going relationship. This fact has many implications for the prosecution process, as does the fact that young victims have special needs and vulnerabilities. Teenage victims may look all grown up on the surface, but they can think and feel very much like children.

Observations About Offenders

- while the number of occurrences known to police remains steady, the number of cases processed by way of charge has declined under the Youth Criminal Justice Act
- the increase in pre-charge diversion will change the profile of youth being prosecuted in that less serious offences and stereotypical “first offenders” are diverted from court
- virtually all youth charged with crimes of violence will have histories of police contacts including past charges and chargeable offences that were diverted
- where police choose to lay charges, they are almost always using arrest, suggesting that the offences are serious, the youth is likely to re-offend, and/or the victim is at risk
- many youths who are charged will be considered for extra-judicial sanctions including “conferencing” where victims may be asked to participate

Observations About Victims

- to process a youth justice case from investigation to disposal in court takes five to six months on average in our community
- the wait for “court to be over” is one of the most stressful aspects of prosecution for young victims, in part because of fear of retaliation by the offender or his/her friends
- when a young victim knows the young offender, the period waiting for court can be characterized by multiple (perhaps daily) opportunities for contact
- characteristics of the offence alone are not usually the best indicator of degree of trauma
- contact with the offender as part of a “conference” can be highly stressful for some young victims of inter-personal offences and it may not be in their best interests to participate
- victims are worried about seeing the accused in court and being cross examined while fears of witnesses of peer violence tend to involve anxiety about not testify well

...helping
the victims
of ‘youth
on youth’
criminal
violence

The Needs of Young Victims

Like adults, young victims contribute information to aid case screening, face testifying in court, provide impact statements and participate in extra-judicial sanctions involving victim/offender contact. Being young, their needs are similar to but different from those of adults.

Feelings of Safety

In peer-to-peer youth violence, most victims and offenders have a previous relationship, one which may continue because they attend the same school, ride the same school bus, share extra-curricular activities, or live in the same neighbourhood. Young people's fear of retaliation and re-victimization may be distorted because of their age and vulnerability, but this fear is powerful and real for them. A prosecutor can address these fears at the pre-adjudication and sentencing stages, through conditions of non-association for example.

Age-appropriate Understanding

Teenagers are typically slow to share their feelings and you may gain the

wrong impression of their true levels of fear. Acceptance by peers is critical and loyalty is paramount, so they may feel guilty about cooperating with you and worry about reprisal. They may be reluctant to reveal a lack of knowledge or comprehension, so explain things thoroughly.

Testimonial Aids and Accommodations

Even though they are older than child victims, teenaged victims of peer violence can be extremely afraid of testifying and some will benefit from testimonial aids such as closed-circuit testimony and other special accommodations such as having a support person. Research shows that stress is reduced if young witnesses have the option of a testimonial aid and can choose for themselves.

Specialized Court Preparation

If available in your community, a child witness program will provide age-appropriate assessment and assistance to young victims and witnesses. Staff can work with the prosecutor to

determine if a testimonial aid or other accommodation will help the Court receive a full and candid account of a young person's evidence.

Receiving Information

Just because they're young, don't assume that teenagers don't want to know about case developments or understand the criminal process as it applies to their cases. They want very much to be kept in the loop. In fact, not knowing things increases their anxiety.

Providing Information

The ability to contribute information is often of critical importance for victims, and teenagers are no different. Young people can write powerful and eloquent impact statements. Emphasize that making a statement is optional. Young people can be compliant and eager to please and make a statement only because it is asked of them. Take extra time to explain the issue of confidentiality, including how the accused will get a copy.

Recommendations

These suggestions are offered to Crown Attorney's offices for their consideration. In some Ontario communities, these measures will already be in effect. In others, some may not apply.

- discuss with local police the implications for timely case processing and victim safety associated with summonses, promises to appear, etc.
- when extra-judicial sanctions are used, clarify responsibility for informing victims of this decision and related implications. Does this task fall to police, the VWAP, or the Crown?
- a young victim's involvement in extra-judicial sanctions involving victim/offender contact should be sought, wherever possible, by a neutral person with experience in victim services who can determine if involvement is in the victim's best interests
- when extra-judicial sanctions involve victim/offender contact, ensure young victims know that no penalty will befall them or the accused if they decline to participate and that their consent can be withdrawn at any point in the process
- to the extent possible, expedite cases where children or teens are expected to testify
- especially in cases of sexual violence, meet the victim at least once prior to the court date
- spell out the options for testimonial aids and give teenage witnesses a choice

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