



Manitoba Centre for Health Policy

The Overlap Between the Child Welfare and Youth Criminal Justice Systems: Documenting “Cross-Over Kids” in Manitoba

Spring 2020

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How to cite this report:

Brownell M, Nickel N, Turnbull L, Au W, Ekuma O, MacWilliam L, McCulloch S, Valdivia J, Boram Lee J, Wall-Wieler E, Enns J. *The Overlap Between the Child Welfare and Youth Criminal Justice Systems: Documenting “Cross-Over Kids” in Manitoba*. Winnipeg, MB. Manitoba Centre for Health Policy. Spring 2020

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ISBN 978-1-896489-99-5

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1st printing (Spring 2020)

This report was prepared at the request of Manitoba Health, Seniors and Active Living (MHSAL), a department within the Government of Manitoba, as part of the contract between the University of Manitoba and MHSAL. It was supported through funding provided by MHSAL to the University of Manitoba (HIPC 2016/2017 – 49). The results and conclusions are those of the authors and no official endorsement by MHSAL was intended or should be inferred. Data used in this study are from the Manitoba Population Research Data Repository housed at the Manitoba Centre for Health Policy, University of Manitoba, and were derived from data provided by MHSAL, the First Nations Health and Social Secretariat of Manitoba, the Manitoba Metis Federation, the Winnipeg Regional Health Authority, Manitoba Families, Manitoba Education and Training, Manitoba Justice, and Statistics Canada. Strict policies and procedures were followed in producing this report to protect the privacy and security of the Repository data.



About the Manitoba Centre for Health Policy

The Manitoba Centre for Health Policy (MCHP) is located within the Department of Community Health Sciences, Max Rady College of Medicine, Rady Faculty of Health Sciences, University of Manitoba. The mission of MCHP is to provide accurate and timely information to healthcare decision-makers, analysts and providers, so they can offer services which are effective and efficient in maintaining and improving the health of Manitobans. Our researchers rely upon the unique Manitoba Population Research Data Repository (Repository) to describe and explain patterns of care and profiles of illness and to explore other factors that influence health, including income, education, employment, and social status. This Repository is unique in terms of its comprehensiveness, degree of integration, and orientation around an anonymized population registry.

Members of MCHP consult extensively with government officials, healthcare administrators, and clinicians to develop a research agenda that is topical and relevant. This strength,

along with its rigorous academic standards, enables MCHP to contribute to the health policy process. MCHP undertakes several major research projects, such as this one, every year under contract to Manitoba Health, Seniors and Active Living. In addition, our researchers secure external funding by competing for research grants. We are widely published and internationally recognized. Further, our researchers collaborate with a number of highly respected scientists from Canada, the United States, Europe, and Australia.

We thank the Research Ethics Board on the Bannatyne Campus at the University of Manitoba, for their review of this project. MCHP complies with all legislative acts and regulations governing the protection and use of sensitive information. We implement strict policies and procedures to protect the privacy and security of anonymized data used to produce this report and we keep the provincial Health Information Privacy Committee informed of all work undertaken for Manitoba Health, Seniors and Active Living.

The Manitoba Centre for Health Policy

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Acknowledgements

The authors wish to acknowledge the individuals whose efforts and expertise made it possible to produce this report. Many people contributed and we apologize in advance to anyone we might have overlooked.

We are giving a special acknowledgement to Cora Morgan and Lindey Courchene from the First Nations Family Advocate Office (Abinoojiyak Bigiiwewag) for their generosity and time spent reviewing and interpreting findings with us and, for organizing a Youth Advisory Group to provide youth voices to the report. We extend a special thank you to the youth who participated in the Youth Advisory Group and shared their experiences with us.

We thank our Advisory Group members for their dedication, expertise, and contributions:

- Shannon Allard-Chartrand (Manitoba Metis Federation)
- Shauna Appleyard (Manitoba Justice)
- Chantell Barker (Southern Chiefs' Organization Inc.)
- Marlyn Bennett (University of Manitoba)
- Jamie Blunden (Winnipeg Police Service)
- Teresa Brown (Manitoba Justice)
- Don Fuchs (University of Manitoba)
- Krista Hall (Manitoba Families)
- Elder Mabel Horton (Grandmothers Council, Assembly of Manitoba Chiefs)
- Michele Jules (Manitoba Prosecution Service)
- Rick Linden (University of Manitoba)
- Ron Monias (First Nations of Northern Manitoba CFS Authority)
- Christina Moody (Manitoba Families)
- Cora Morgan (Abinoojiyak Bigiiwewag - First Nations Family Advocate Office, Assembly of Manitoba Chiefs)
- Daphne Penrose (Manitoba Advocate for Children and Youth)
- Tara Petti (Southern First Nations Network of Care)
- Billie Schibler (Metis Child & Family Services Authority)
- Sherri Walsh (Hill Sokalski Walsh Olson LLP)

We would also like to thank Advisory Group members who began the project with us, however, due to various circumstances, were unable to continue throughout the project:

- Greg Graceffo (Manitoba Justice)
- Laurie Jervis (Manitoba Families)
- Diane Kelly (Manitoba Families)
- Corey La Berge (Office of the Children's Advocate)
- Jill Perron (Manitoba Families)
- Rob Santos (Manitoba Education and Training)
- Marg Synyshyn (Winnipeg Regional Health Authority)
- Bonnie Woodhouse (Southern Chiefs' Organization Inc.)

We are grateful for the valuable feedback of our external academic reviewer Dr. Rebecca Glauert (Head of the Developmental Pathways and Social Policy Team, Telethon Kids Institute, Perth, Australia).

We thank our colleagues at the Manitoba Centre for Health Policy (MCHP) for their input and willingness to share their expertise: Marcelo Urquia (Senior Reader), Alan Katz, Noralou Roos, Elaine Burland, Ruth-Ann Soodeen, Selena Randall, Jessica Jarmasz, Susan Burchill, Jennifer Pepneck, and Dale Stevenson. We would also like to thank the Data Management and Data Documentation teams at MCHP, for their role in managing the data in MCHP’s Repository, which was used in this report.

We acknowledge the University of Manitoba Health Research Ethics Board for their review of the proposed research project. The Health Information Privacy Committee (HIPC) is kept informed of all MCHP deliverables. The HIPC number for this project is 2016/2017 – 49. We also acknowledge the Health Information Research Governance Committee of the First Nations Health and Social Secretariat of Manitoba, the Manitoba Metis Federation, the Winnipeg Regional Health Authority, Manitoba Families, Manitoba Education and Training, Manitoba Justice, and Statistics Canada for the use of their data.

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Acronyms

TRC	Truth and Reconciliation Committee
FNFAO	First Nations Family Advocate Office
HCCC	Healthy Child Committee of Cabinet
CFSIS	Child and Family Services Information System
PRISM	Prosecutions Information and Scheduling Management
CFS	Child and Family Services
MCHP	Manitoba Centre for Health Policy
YCJA	Youth Criminal Justice Act
HTA	Highway Traffic Act
AOMCY	All other Manitoba children and youth
IDD	Intellectual or Developmental Disabilities
ADHD	Attention-Deficit Hyperactivity Disorder
FASD	Fetal Alcohol Spectrum Disorder
FFHV	Families First Home Visiting Program
SF-MCH	Strengthening Families Maternal Child Health

Executive Summary

Objectives of this Report

This research was conducted by the Manitoba Centre for Health Policy (MCHP) on behalf of Manitoba Health, Seniors and Active Living, at the request of the Healthy Child Committee of Cabinet (HCCC). The HCCC asked MCHP to examine the overlap between involvement in the child welfare system (for children age 0-17) and youth criminal justice system (for youth age 12-17) in Manitoba.

In order to fulfill this request, MCHP identified two main objectives for this report:

1. To quantify the overlap between involvement with the child welfare system and the youth criminal justice system
2. To identify the characteristics associated with involvement with the youth criminal justice system.

Recognizing the over-representation of Indigenous children and youth in both systems, we also provide context on and a description of that over-representation.

Background

In Manitoba, the Child Protection Branch of the Government of Manitoba manages and provides funding to all programs and services provided by Child and Family Services (CFS). Guided by the provincial Child and Family Services Act, CFS works with other organizations to provide a range of services to maintain the safety and protection of children and provide assistance to those affected by family violence and disruption. Compared with other countries, Canada has a high rate of children who are in the care of child welfare services (“children in care”) [1], and Manitoba has the highest rate of children in care among the provinces [2].

The Youth Criminal Justice Act (YCJA) is the federal statute that governs youth justice procedures for children age 12-17. Enacted in 2003, the YCJA focuses on prevention and accountability; where possible, it encourages the use of corrective measures outside of the formal court system, such as police warnings or referrals to community-based programs, for less serious offences. Manitoba currently has the highest youth incarceration rate among the provinces [3].

Among people working in both the child welfare system and youth criminal justice systems in Manitoba, there is a sense that there is considerable overlap or “crossover” [4] between these two systems, with youth who have a history of CFS involvement being more likely to end up being charged with a crime [5]. While the extent of this overlap is unknown, Indigenous leaders and community members have been speaking of this phenomenon for decades. In Manitoba, Indigenous¹ children comprise approximately one-quarter of the child population [6], yet they account for close to 90% of the children in care [7] and over 80% of the youth admitted to correctional services [8].

The high rates of children in care and youth criminal justice involvement in Manitoba and the over-representation of Indigenous children and youth in both systems reflect a multitude of structural determinants – including historical, political, societal and economic factors – that continue to create challenges for Indigenous families [9]. Key among these is the harm caused by centuries of colonial policies, laws and practices based on domination and assimilation [10,11], including the residential school system, which systematically separated Indigenous children from their families and communities, cutting them off from their caregivers, their language and their culture [10]. These social and societal forces – colonialism, systemic racism and structural violence – cannot be directly measured using the data available for this report, but we disaggregated many of the results by “Indigenous identity” as a proxy for these forces in an attempt to call attention to the impact of social and societal forces on child welfare and youth criminal justice systems involvement. The Truth and Reconciliation Commission of Canada calls on governments to commit to reducing the number of Indigenous children in care, and to eliminate the over-representation of Indigenous youth in custody [12]. Calls to Action 2 and 30 emphasize the need to quantify and document this over-representation, which we attempt to do through this report.

Methods Used in This Report

We used information in the Manitoba Population Research Data Repository (the Repository) housed at MCHP. The Repository is a comprehensive collection of population-based data developed and maintained by MCHP on behalf of the province of Manitoba. The two key province-wide datasets used for this report were the Child and Family Services Information System, which contains information about involvement with child welfare services, and the Prosecutions Information and Scheduling Management System, which contains information about incidents and charges within the justice system. All data are de-identified (stripped of names and addresses) before being transferred to MCHP, but contain a scrambled number which allows for person-level linkage across datasets and over time without any individuals being identified.

¹ In Canada, there are 3 major Indigenous groups: First Nation, Metis and Inuit.

The report presents descriptive and multivariate statistical analyses regarding children and youth involved with the child welfare system and youth involved in the youth criminal justice system. For most analyses, we focused on all Manitobans who were born in calendar year 1994 (final cohort included 18,754 individuals). Analyses were repeated using additional cohorts (1988, 1991, 1998) to examine changes in trends over time. The descriptive analyses provided in the report closely follow the analyses conducted in British Columbia and described in *Kids, Crime and Care* [13]. Statistical models were designed to identify factors that predict youth being charged with a crime and predict the overlap (youth involved with both the child welfare system and the youth criminal justice system). It is important to note that our analyses identify associations, but are unable to determine causation. That is, a strong association between being in care and youth criminal justice involvement does not necessarily mean that being in care **caused** the justice involvement.

We categorized children (age 0-17) into three groups according to child welfare involvement:

- **Ever in care:** children who had been in out-of-home care of CFS for at least one day.
- **Received services from CFS:** children who were never in care, but lived in a family that received protection or support services from CFS for at least one day.
- **Never involved with CFS:** children who were never in care and whose families never received protection or support services from CFS.

We categorized youth (age 12-17) into five youth justice involvement groups:

- **Accused:** youth who were accused of a crime. For most analyses in this report, we excluded from this group youth whose ONLY charge was for Highway Traffic Actor regulatory offenses (e.g., trespassing on school property; fishing without a license), since most people would not consider these offenses “criminal”.
- **Victim:** youth with an incident in which they were identified as a victim of a crime.
- **Witness:** youth with an incident in which they were identified as a witness to a crime.
- **Any youth justice involvement:** youth with any incidents in which they were accused of, a victim of, or a witness to a crime.
- **Never involved with youth justice:** youth who were never involved in any incidents in which they were accused of, a victim of, or a witness to a crime.

Information on Indigenous identity came from the Manitoba First Nations Research File and from the Metis Registry. There is currently no way of identifying Inuit children in the Repository, and the Manitoba First Nations Research File does not include non-registered First Nation individuals. We thus have three groups for Indigenous Identity: 1) First Nation people, 2) Metis people, and 3) non-registered First Nation, Inuit, and non-Indigenous people.

Key Findings

Overall, the statistics in this report are bleak, but there is some good news in our otherwise distressing findings. Over the course of our study period, the proportion of youth who had been accused of a crime declined. Between the cohorts born in 1988 and 1998, the percent of youth charged with a criminal offence dropped by almost half, from 10.5% to 5.8%. However, during the same time period, there was an increase in the percent of children who had ever been in care of CFS and an overall decrease in the percent of children living in families who had received services from CFS.

The child welfare system has been described by other researchers as a “pipeline” to the youth criminal justice system. Our findings confirm that there is substantial overlap between the two systems, although as mentioned above, they do not establish a causal relationship. This report provides quantitative evidence that child welfare involvement (particularly being in care) is a strong risk factor for being accused of a crime in the youth criminal justice system.

- Based on our examination of the 1994 and more recent cohorts, **close to one-third** of all children who spent any time in care were charged with at least one criminal offence as a youth (age 12-17).
- Over time, children who had ever been in care made up an increasing proportion of youth charged with a crime, going from 28.0% in 1988 to 44.9% in 1998.
- By the time they were young adults (age 21), **close to half** of individuals who spent time in care as children had been charged with a criminal offence. In the 1994 cohort, 54.6% of males and 42.2% of females who had ever been in care had been charged with a crime by age 21.
- Looking at the overlap between child welfare and youth criminal justice another way, **the majority** of all children charged in the youth criminal justice system had some contact with CFS (were either in care or received services) at some point during their childhood (66.1% for the 1994 cohort and 72.6% for the 1998 cohort).

- When we counted the number of charges (rather than the number of youth charged, given that some youths have more than one charge), over 80% of all charges were against youth who had some contact with CFS.
- Almost half of the charges against youth in care in the 1994 cohort were “administrative” charges, which are laid when youth have breached the conditions of probation, conditional supervision or bail. These include charges for things like staying out after curfew, associating with certain individuals, or consuming alcohol – the kinds of activities that would not normally be considered “criminal.”
- **Being in care of CFS had the strongest association with being charged with a crime** (e.g., stronger than sex, income, or urban/rural residence). Even when the impact of these factors was taken into consideration, children who had ever been in care had almost five times the risk of being charged with a crime compared to those who had never been involved with CFS.
- Our findings quantify the overlap but do not identify the cause(s) of the overlap.

Youth who were involved in both the child welfare and youth criminal justice systems were more likely to have higher rates of special education needs, lower rates of high school completion, and higher rates of mental disorders and developmental disabilities. Youth from the 1994 cohort who had ever been in care were more likely to be accused of a crime by the time they were 21 years old than to have completed high school. Individuals involved in both systems were also more likely to die by the time they were young adults than those involved in either system, who in turn had higher mortality rates than those involved in neither system.

Other characteristics of youth involved in both systems were being male, being from a low income neighbourhood, and being Indigenous (First Nation or Metis). Indigenous children in general, but First Nation children in particular, are over-represented in both systems.

- Close to one-third of all of the First Nation children in our study spent some time in care during childhood.
- Over one-quarter of the First Nation children in the 1994 cohort were charged with criminal offences as youth.
- Over 50% of all youth from the 1994 cohort who were accused of a crime were First Nation (even though they accounted for only 14.8% of our cohort).

- First Nation youth in our study had 24 times the odds of being involved in both systems compared to other Manitoba children and youth.
- The over-representation of First Nation youth accused of a crime in the justice system increased over time, going from 40.6% of youth with criminal charges in the 1988 cohort to 53.8% of youth with criminal charges in the 1998 cohort.

There are myriad reasons for the over-representation of Indigenous children in the child welfare and youth criminal justice systems, including historical and ongoing colonial policies (e.g., the residential school system, the Sixties Scoop, and current child welfare policies and practices) that systematically separate Indigenous children from their families, communities, languages and cultures [10,11,14,15]; systemic racism within both the child welfare and youth criminal justice systems; chronic underfunding of prevention and support services to Indigenous communities; and structural violence (systemic policies and structures that operate to deny basic human rights to specific populations and/or prevent specific populations from obtaining the resources necessary to achieve their full potential). **Thus, Indigenous identity itself is not a risk factor for involvement in either or both systems; rather, it is the many social and societal forces that Indigenous peoples in Manitoba must contend with that put their children at greater risk of child welfare system and youth criminal justice system involvement.** The culture and laws of the First Peoples on this land viewed children as sacred and worthy of respect, protection and support since before Manitoba joined Confederation and long before Euro-Canadian standards evolved beyond considering children merely as chattels, without rights of their own [16].

Implications of our Findings

Manitoba has the highest rate of children in care as well as the highest rate of youth incarceration amongst the provinces [2,3]. The stark statistics presented in this report suggest that for a significant portion of children in care, Manitoba is far from achieving “the best interests of the child” – as specified in both the Child and Family Services Act [17] and in the United Nations Convention on the Rights of the Child [18]. It must also be acknowledged that despite these disturbing statistics and the disproportionate involvement of Manitoba Indigenous children in both the child welfare and the youth justice systems, there is still a greater proportion of First Nation and Metis youth and children in Manitoba who are resilient. The Metis Nation has family and community as its cornerstone, with love, respect, honour, strength and heritage as building blocks [19]. The majority of First Nation children and youth in Manitoba report being healthy, have a sense of balance in their lives, have someone who showed them love and affection, receive positive family support and retain connections

to their language, culture and traditions [20–22]. These positive factors and “spiritual healing” are what many traditional Knowledge Keepers say are the keys to healing and well-being for Indigenous people.

While it is tempting to blame the child welfare system or the youth criminal justice system for the alarming findings in this report, holding either or both of these systems accountable would be an over-simplification of the very complex and multifaceted issues that lead to child welfare involvement, youth criminal justice involvement, and the over-representation of Indigenous youth in both systems. The findings from our study highlight the critical need for changes to both CFS and the youth criminal justice system. However, while necessary, these changes will not be sufficient to address the underlying societal and structural factors that Indigenous peoples in Manitoba face on a daily basis. To reduce child welfare involvement (and subsequent youth criminal justice system involvement) in Manitoba, not only must the social determinants of involvement in both systems (e.g., poverty, inadequate housing, food and water insecurity) be addressed, but the structural determinants, the policies and legislation that systematically discriminate against and disenfranchise Indigenous peoples, need to be changed. These structural determinants also include inequitable funding for education and social services systems, restricted access to traditional lands and economic opportunities, and denial of Indigenous self-governance. Addressing these long-standing, complex and multifaceted social and structural determinants requires innovative, inter-sectoral approaches by all levels of government, and genuine collaboration with Indigenous partners.

Over the past few decades, many reports, inquiries, commissions and committees have made individual recommendations with respect to each of the child welfare system, the youth criminal justice system and the over-representation of Indigenous children in both systems. Our report highlights three themes emerging from these recommendations and pertaining to the findings in this report: 1) the necessity for emphasizing prevention, 2) the changes required in service delivery, and 3) the need to monitor both the overlap and the over-representation of Indigenous children in both systems. We describe some promising directions for addressing the disturbing findings described in this report within each of these three themes. We recognize that these directions are steps toward better outcomes, but cannot take the place of addressing how structures, policies and systems are set up to disadvantage Indigenous peoples in Manitoba, and contribute to the high rates of child welfare and youth criminal justice involvement in the province. In the spirit of reconciliation, it is our collective responsibility to ensure that all children have the right to “grow up in a family environment, in an atmosphere of happiness, love and understanding....so that [they] can fully assume [their] responsibilities within the community.” [18]

Youth Voices

The First Nations Family Advocate Office (FNFAO) assembled a Youth Advisory Group to provide feedback on the findings of this report. Those who attended were young adults who had experience with the child welfare system, the youth criminal justice system or both systems. We are extremely grateful for the time this group spent with us and for the input they provided. We are also indebted to the FNFAO for suggesting, organizing and hosting this meeting. Our report concludes with the voices of these young adults:

- *My grandfather's grandfather always said that there was no need for CFS or police, etc. We would take care of kids in the community when things got tough. There is no need to apprehend our kids.*
- *When someone who has had previous involvement with CFS becomes pregnant, there are birth alerts. It definitely seems like they are setting people up to fail. It's like they're saying – ok, you have certain flaws through going into foster care and now they are going to repeat the cycle. It's like CFS is acknowledging that it's a bad parent by being a bad parent to more kids.*
- *There is a lot of money for foster parents but no money for the actual parents.*
- *A person from the community was stealing diapers and baby supplies. She was caught. Her baby was apprehended and sent to Winnipeg. She had to couch surf just to see her baby.*
- *Youth councils are important. Back home at the reserve, the youth council goes around and asks everyone what we should develop in our community. And we do things, like create a traditional gathering place, the youth council did that.*
- *We need Aboriginal people in higher positions to stop the racism.*
- *Governments need to be more aware of preventions rather than just punishments.*

Chapter 1: Objectives and Background

Objectives of this Report

This study was conducted by the Manitoba Centre for Health Policy (MCHP) on behalf of Manitoba Health, Seniors and Active Living, at the request of the Healthy Child Committee of Cabinet (HCCC). The HCCC asked MCHP to examine the overlap between the child welfare and youth criminal justice systems in Manitoba.²

In order to fulfill this request, MCHP identified two main objectives for this report:

1. To quantify the overlap between involvement with the child welfare system and the youth criminal justice system
2. To identify the characteristics associated with involvement with the youth criminal justice system.

Recognizing the over-representation of Indigenous children and youth in both systems, we also provide context on and a description of that over-representation. This report used information in the Manitoba Population Research Data Repository (the Repository) housed at MCHP. The Repository is a comprehensive collection of population-based data developed and maintained by MCHP on behalf of the province of Manitoba. Several datasets from the Repository were brought together for the analyses in this report, described in Chapter 2. The two key province-wide datasets used for this report were the Child and Family Services Information System, which contains information about involvement with child welfare services, and the Prosecutions Information and Scheduling Management System (PRISM), which contains information about incidents and charges within the justice system.

Structure of this Report

This chapter provides background information on the child welfare system, the youth criminal justice system, the overlap between the systems, and the over-representation of Indigenous children and youth in both systems. Chapter 2 describes the general methods used in this report. Chapter 3 addresses Objective 1 and provides descriptive information about the overlap between the two systems. Chapter 4 describes the results of statistical models used to address Objective 2. Chapter 5 summarizes the findings in the report and highlights themes and future directions based on these findings.

² The child welfare system serves children age 0-17 in Manitoba, and the youth criminal justice system deals with incidents among children age 12-17.

The Child Welfare System in Manitoba

In Manitoba, the Child and Family Services Branch of the Government of Manitoba provides funding and support to the four Child and Family Services Authorities (the CFS Authorities) and to community-based agencies providing a continuum of early intervention, prevention, and child protection and reunification services [23]. The CFS Authorities govern and provide oversight for prevention and protection services delivered by their mandated CFS agencies. These agencies are responsible for direct service to children, youth and families.

The guiding principles for services delivered through Child and Family Services (CFS), as expressed in The Child and Family Services Act, are the well-being of children and the preservation and support of family units and communities such that they can provide for the well-being of children [17]. CFS works with other government departments and community-based organizations to provide a range of services to maintain the safety and protection of children and assist those affected by family violence and disruption [24]. Services provided to children, youth, and families can include counselling, education, emergency assistance, financial support, practical support, treatment, and temporary or permanent care for children [25].

In keeping with The Child and Family Services Act, services are to be provided to children and families while maintaining the family unit, and in the least disruptive manner possible. When staying within the family unit puts the children in imminent risk of serious harm – that is, their life, health or emotional well-being is endangered – CFS is responsible for providing care for children apart from their families [26]. Children may be placed “in care” for a variety of reasons, including to protect them from immediate safety concerns due to abuse and/or neglect, or voluntarily due to parental illness, death of parent, addiction issues or conflict in their family, emotional problems, or in order to access services not available in the home community. Some children may spend only a short time in care before being reunited with their families, while others may spend many years in care. Care may be provided by approved relatives, state-supported foster families, or in group settings.

Compared to other countries, Canada has a high rate of children who are in the care of child welfare services (“children in care”) [1], and Manitoba has the highest rate of children in care among the provinces [2]. High rates of children in care are indicative of a jurisdiction lacking effective home-based services to address family needs and challenges, as well as lacking effective policies and programs to address unacceptable living conditions, including poverty, inadequate housing and food insecurity [27]. A previous report by MCHP looked at factors associated with child welfare involvement in Manitoba [7].

That report found that when compared to children who had never been in care, children who had ever been in care were more likely to be from the lowest income areas, in a family receiving income assistance, First Nation, Metis, have a developmental disability, have a diagnosed mental disorder, have mothers who were younger at their first birth, and have mothers who consumed alcohol or drugs during pregnancy. The report also found that one-third of children in care in the study were first taken into care during their first year of life, and among those, almost half had been taken into care at birth.

The Youth Criminal Justice System

Canadian youth age 12-17 who commit criminal acts are charged under the regular provisions of the *Criminal Code*, but are subject to different procedures and sentences than adults in recognition that young people have different developmental needs and capacities. The Youth Criminal Justice Act (YCJA) is the federal statute that governs youth justice procedures [28]. The YCJA focuses on prevention and accountability; where possible, it encourages the use of corrective measures outside of the formal court system, such as police warnings or referrals to community-based programs, for less serious offences [29] treatment, rehabilitation, and reintegration of youth, many more juvenile offenders require mental health services while resident in youth detention facilities [Youth Criminal Justice Act (2002, c.1. Until 2003, youth contact with the criminal justice system was governed by the Young Offenders Act, under which Canada had the highest rates of youth incarceration among Western nations [30]. As implementation of the YCJA evolved over the subsequent years, the caseloads of youth courts declined by 26% and the overall rates and severity of youth crimes also decreased [31].

The Overlap Between the Child Welfare and Youth Justice Systems

Among people working in both the child welfare system and youth criminal justice system in Manitoba, there is a sense that there is considerable overlap, or as described by Bala et al. (2015), “crossover” between these two systems [4], with youth who have a history of CFS involvement being more likely to be charged with a crime in the youth criminal justice system [5]. While the extent of this overlap is unknown, Indigenous leaders and community members have been speaking of the phenomenon for decades. In 1991, then-Judge Murray Sinclair, along with his fellow commissioner Associate Chief Justice Alvin Hamilton, wrote in the Aboriginal Justice Inquiry,

"If Aboriginal people are correct, and we believe they are, part of the reason for the high numbers of Aboriginal people in correctional facilities is the fact that Aboriginal people still do not fully control their own lives and destinies, or the lives of their own children. Aboriginal people must have more control over the ways in which their children are raised, taught and protected. Failing this, we are convinced we will see more, not fewer, Aboriginal people in our correctional facilities in the future. We will see more young Aboriginal people falling into a pattern that is becoming all too familiar. It takes them from institution to institution, from foster home to young offender facility and, finally, on to adult jails. As Oscar Lathlin, the then-Chief of The Pas Band, asked our Inquiry, 'Is the current system conditioning our young for lives in institutions and not in society?'" [32]

A study undertaken by the Representative for Children and Youth in BC found that 36% of youth who had spent time in care became involved in the justice system [13]. And a recent report by the Ontario Human Rights Commission has referred to the child welfare system as a "pipeline" to the criminal justice system [33], echoing concerns expressed two decades ago during the Aboriginal Justice Inquiry of Manitoba that "it would be impossible to present a complete picture of the criminal justice system, and the youth justice system without also analysing the field of child and family services" [32]. In an attempt to understand this overlap, Bala et al. (2015) has identified a number of factors associated with increased justice involvement for which effective treatment programs are lacking within the child welfare system, including high rates of past trauma, family problems, and mental disorders among youth in care; involvement of police in relatively minor, fairly typical adolescent behavioural incidents; and lack of a strong adult advocate at each stage through the justice system [4].

Over-Representation of Indigenous Children and Youth in Both Systems

In Manitoba, Indigenous³ children comprise approximately one-quarter of the child population [6], yet they account for close to 90% of the children in care [7] and over 80% of the youth admitted to correctional services [8].

These statistics and the over-representation of Indigenous children and youth in both the child welfare and youth justice systems reflect a multitude of structural determinants – including historical, political, societal and economic factors – that continue to create challenges for Indigenous families [9]. Key among these are the harms caused by centuries of colonial policies, laws and practices based on domination and assimilation [10,11]. Perhaps most devastating was Canada's residential school system, which systematically separated Indigenous children from their families and communities, cutting them off from their caregivers, their language and their culture [10].

3 In Canada, there are 3 major Indigenous groups: First Nation, Metis and Inuit.

The Truth and Reconciliation Commission (TRC) concluded that these practices constituted a form of cultural genocide, resulting in loss of family and community ties and contributing to high levels of poverty, addiction, and domestic and sexual violence among some survivors and subsequent generations [10,34]. The separation of Indigenous children from their families and communities continued with the Sixties Scoop⁴, and continues today with systemic racism within both the child welfare [35] and youth justice systems [36,37], chronic underfunding of prevention and support services to Indigenous communities [38], and structural violence (systemic policies and structures that operate to deny basic human rights to specific populations and/or prevent specific populations from obtaining the opportunities and resources necessary to achieve their full potential [9,39,40]). These social and societal forces – colonialism, systemic racism and structural violence – cannot be directly measured using the data available for this report. Instead, we have disaggregated many of the results by "Indigenous identity" as a proxy for these forces in an attempt to call attention to the impact of social and societal forces on child welfare and youth criminal justice systems involvement.

It must also be acknowledged, that despite these disturbing statistics and the disproportionate involvement with both the child welfare and the youth justice systems amongst Indigenous children in Manitoba, there is still a greater proportion of First Nation and Metis youth and children in Manitoba who are resilient. The Metis Nation has family and community as its cornerstone, with love, respect, honour, strength and heritage as building blocks [19]. The majority of First Nation children and youth in Manitoba report being healthy, have a sense of balance in their lives, have someone who showed them love and affection, receive positive family support and retain connections to their language, culture and traditions [20–22]. These positive factors, and "spiritual healing" are what many traditional Knowledge Keepers say are keys to healing and well-being for Indigenous people.

Because of societal and social forces, there are actually more Indigenous children in care in Canada today than there were Indigenous children in residential schools at the height of the residential school period [34,35]. As mentioned above, once they have been separated from families and supports, Indigenous children may be at greater risk of being drawn into the "pipeline" from the child welfare to the youth justice system [36,37]. The TRC calls on governments to commit to reducing the number of Indigenous children in care, and to eliminate the over-representation of Indigenous youth in custody [12]. Calls to Action 2 and 30 emphasize the need to quantify and document this over-representation, which we attempt to do through this report.

4 The 'Sixties Scoop' was a practice of removing First Nation, Metis and Inuit children from their families and placing them for adoption or in foster care in mostly non-Indigenous homes. This practice started in the 1950s and continued into the 1980s, but was most intensive in the 1960s.

Chapter 2: Data and Definitions

This report used existing data contained in the Manitoba Population Research Data Repository (the Repository), which is housed at the Manitoba Centre for Health Policy (MCHP) at the University of Manitoba.

The Repository is a comprehensive collection of administrative, registry, survey, and other data primarily relating to residents of Manitoba. It was developed to describe and explain patterns of healthcare use and profiles of health and well-being, facilitating inter-sectoral research in areas such as healthcare, education, and social services. All data are de-identified (stripped of names and addresses) before being transferred to MCHP, but contain a version of Manitoba residents' Personal Health Identification Number (PHIN), which allows for person-level linkage across datasets and over time without any individuals being identified.

Additional information about Repository data that were used in this report is available on MCHP's website: http://umanitoba.ca/faculties/health_sciences/medicine/units/chs/departmental_units/mchp/resources/repository/descriptions.html.

Table 2.1 lists the datasets used in this study.

Table 2.1: Description of Data Sources

Dataset	Description
Registry	
Manitoba Health Insurance Registry	A registry of all Manitobans eligible to receive health services, maintained by Manitoba Health, Seniors and Active Living
Manitoba First Nations Research File	Registry of Manitoba First Nation people registered as Status Indians under the Federal Indian Act, generated from the federal government Indian Status Registry as of 2016, and provided by the First Nations Health and Social Secretariat of Manitoba
Metis Registry	A membership list maintained by the Manitoba Metis Federation
Health	
Medical Services	Health data consisting of all ambulatory physician visits in Manitoba, maintained by Manitoba Health, Seniors and Active Living
Hospital Discharge Abstracts	Health data consisting of all hospitalizations in Manitoba, maintained by Manitoba Health, Seniors and Active Living
Drug Program Information Network Data	Data on all prescription drugs dispensed from retail pharmacies in Manitoba, maintained by Manitoba Health, Seniors and Active Living
Manitoba Fetal Alcohol Spectrum Disorder Centre	Clinical assessments and diagnoses received under the FASD umbrella for all children referred to the Manitoba FASD Centre, maintained by the Winnipeg Regional Health Authority
Education	
Enrollment, Marks, and Assessments	Education data on enrollment, marks, assessments, and special funding, maintained by Manitoba Education and Training
Social	
Social Allowance Management Information Network	Data on Manitoba residents who receive provincial employment and income assistance (EIA), maintained by Manitoba Families
Child and Family Services (CFS) Applications and Intake	A data management system that supports case tracking and reporting of services provided to children and families as they pass through the CFS system, maintained by Manitoba Families
Justice	
Prosecution Information and Scheduling Management (PRISM)	Data management system maintained by Manitoba Justice including information on incidences, charges, and involvement in the justice system in Manitoba
Statistics Canada	
Canadian Census (public-use file)	Social data based on the Statistics Canada Population Census

Populations Studied

This report presents descriptive and multivariate statistical analyses regarding children and youth involved with the child welfare system and youth involved in the youth

criminal justice system. A description of the methods used for the multivariate statistical analyses can be found in Chapter 4. All data management, programming, and analyses were performed using SAS® statistical analysis software version 9.4.

Definitions

In Manitoba, information on involvement with the child welfare system is collected in the Child and Family Services Applications and Intake dataset. For this report we categorized children (age 0-17) into three groups according to child welfare involvement:

- **Ever in care:** children who had been in out-of-home care of Child and Family Services (CFS) for at least one day⁵
- **Received services from CFS:** children who were never in care, but lived in a family that received protection or support services from CFS for at least one day
- **Never involved with CFS:** children who were never in care and whose families never received protection or support services from CFS.

Information on involvement in the youth justice system came from the Prosecutions Information and Scheduling Management (PRISM) dataset, which was designed to provide information to prosecutors on incidents (e.g., assaults, break and enter, etc.), type of involvement (e.g., accused, victim, witness, etc.) and the initial charges that resulted. As noted in Chapter 1, the Youth Criminal Justice Act (YCJA) defines youth as being age 12-17; children younger than 12 cannot be charged with a Criminal Code offence, and individuals older than 17 years are treated as adults. Although children younger than 12 can be witnesses or victims, for the purposes of this report we only considered those who were accused, witnesses or victims between the ages of 12-17 to be involved in the youth justice system.

For this report, we categorized youth (age 12-17) into five youth justice involvement groups:

- **Accused:** youth who were accused of a crime. For most analyses in this report, we excluded from this group youth whose ONLY charge was for Highway Traffic Act or regulatory offenses (e.g., trespassing on school property; fishing without a license), since most people would not consider these offenses “criminal”
- **Victim:** youth with an incident in which they were identified as a victim of a crime
- **Witness:** youth with an incident in which they were identified as a witness to a crime
- **Any youth justice involvement:** youth with any incidents in which they were accused of, a victim of, or a witness to a crime
- **Never involved with youth justice:** youth who were never involved in any incidents in which they were accused of, a victim of, or a witness to a crime.

Further details about the youth justice involvement categories can be found in Table 2.2.

⁵ Out-of-home care stays lasting 3 days or less are sometimes done for respite purposes or emergency placements, and may have different trajectories of outcomes than longer stays (Esposito et al., 2013). We decided to include these short stays in our analyses since they still indicate family disruption. Children who had stays of 3 days or less comprised only a very small percent of the “ever in care” group: 3.8% of the children from the 1994 cohort had an out-of-home care stay lasting 3 days or less, and among the other cohorts in our study, 2.4% to 3.9% of children had a stay lasting 3 days or less.

Table 2.2: Criminal Justice Variables

Variable	Definition
Type of Involvement	<p>The following involvement types were defined as ‘Accused’:</p> <ul style="list-style-type: none"> • Accused • Cautioned/warned • Co-accused • Crown opinion • Crown caution • No charges laid • Intoxicated Persons Detention Act (IPDA) • Warrant, cautioned (Youth Criminal Justice Act) • Referred to a community program (Youth Criminal Justice Act) • No action taken (Youth Criminal Justice Act) • Warned (Youth Criminal Justice Act) <p>The following involvement types were defined as ‘Victim’:</p> <ul style="list-style-type: none"> • Complainant • Protected person • Victim • Deceased victim <p>The following involvement types were defined as ‘Witness’:</p> <ul style="list-style-type: none"> • Eye witness • Material witness • Witness
Charge Category	<p>Charges were grouped into the following categories:</p> <ul style="list-style-type: none"> • Administrative • All Other (Regulatory) • Assault • Highway Traffic Act (HTA) • Other • Property • Sexual • Violent <p>Note: Most of the analysis excluded the following: HTA and All Other (Regulatory)</p>
Charge Status	<p>A charge is classified as ‘proceeding’ if the charge type reports any of the following:</p> <ul style="list-style-type: none"> • Laid • Disposed • Diversion • Post-Charge Diversion • Crown Appeal • Accused Appeal <p>A charge is classified as ‘not proceeding’ if the charge type reports any of the following:</p> <ul style="list-style-type: none"> • No Charge Laid • Discharged • Stayed • Pre-Charge • Pre-Charge Diversion • Crown Opinion • Crown Opinion Diversion • Pending • Missing

Information on Indigenous identity came from the Manitoba First Nations Research File and from the Metis Population Database. The Manitoba First Nations Research File identifies registered First Nation individuals and First Nation communities in Manitoba and was used with the permission of the Health Information Research Governance Committee (HIRGC) and the First Nations Health and Social Secretariat of Manitoba (FNHSSM). The Metis Population Database is a de-identified dataset including more than 90,000 Metis of all ages in Manitoba taken from the Manitoba Metis Federation membership list, as well as the children and parents of these individuals [41]; this file was used with permission from the Manitoba Metis Federation. There is currently no way of identifying Inuit children in the Repository, and the First Nations Research File does not include non-registered First Nation individuals. We have thus identified three separate Indigenous identity⁶ groups: 1) First Nation people, 2) Metis people, and 3) all other Manitoba children and youth (AOMCY), which includes non-registered First Nation, Inuit, and non-Indigenous people. According to the 2006 Census, non-Indigenous children comprised 74.1% of the Manitoba child population and Inuit children comprised less than 0.1% of the Manitoba child population⁷.

Limitations

Although the analyses in this study are able to quantify the overlap between involvement in the child welfare system and the youth justice system, we are unable to determine what *causes* the overlap. That is, our analyses are not able to determine whether there is something about being in care or involved with CFS that contributes to involvement in the justice system.

There were also limitations regarding data availability for analyses in this report that warrant acknowledgement. Although CFS data are available from 1992 onward, they are not complete for all years available because not all agencies entered data into the system. These data become more complete after 1998/99; however, previous reports have found that undercounting of children, particularly those living in the North, is still an issue with CFS data [42]. For this reason it is likely that the analyses in this report do not include all children in care in Manitoba and may particularly undercount First Nation children. As mentioned above, using the available registries, we cannot identify non-registered First Nation children or Inuit children and so they have been grouped with non-Indigenous children in this report (in a category we call all other Manitoba children and youth, and shown as AOMCY in the figures and tables).

Thus we are likely underestimating the true extent of over-representation of Indigenous children in both the child welfare and youth justice systems in this report.

There may be some undercounting of incidents in the youth justice system in 2004/05. In April 2004, the Winnipeg Police Service implemented a new computer system for charges and for the first several months, not all matters were entered into the PRISM system.⁸ There was also likely undercounting of incidents in the youth justice system for the 1988 birth cohort; this cohort turned 12 in 2000; however, the PRISM data were only available from 2002 onwards.

The study cohorts include individuals who lived in Manitoba at some point between age 12-17, but not necessarily throughout childhood and youth. By including individuals who were not living in Manitoba throughout their entire childhood, we may be missing events (e.g., child welfare involvement, youth justice involvement) that occurred in another setting. Furthermore, keeping youth who may not have been present in Manitoba for all years they were “eligible” to be involved in the youth justice system (e.g., lived in Manitoba when they were 12 and 13 but not after that) in the cohort may underestimate the percentage of youth with justice system involvement. The results from the statistical models reported in Chapter 4 addressed this concern by including only the time youth were eligible for justice involvement, using time-to-event analyses.

At the time the analyses for this report were being conducted, data on sentencing and corrections were unavailable. Future research should incorporate these data for a more complete picture of youth criminal justice involvement.

Our analyses focusing on factors associated with youth justice system involvement were limited to information that could be measured using the data in the Repository. Factors such as full histories of parental criminal justice involvement or systemic racism could not be fully accounted for in the analyses.

⁶ Recall from Chapter 1 that disaggregation of results by Indigenous identity calls to attention the impact of social and societal forces such as colonialism, systemic racism, and structural violence on involvement in both child welfare and youth justice systems.

⁷ Statistics regarding non-registered First Nations are difficult to obtain, and sources have inconsistent findings.

⁸ Note that the PRISM system is province-wide.

Chapter 3:

Describing the Overlap

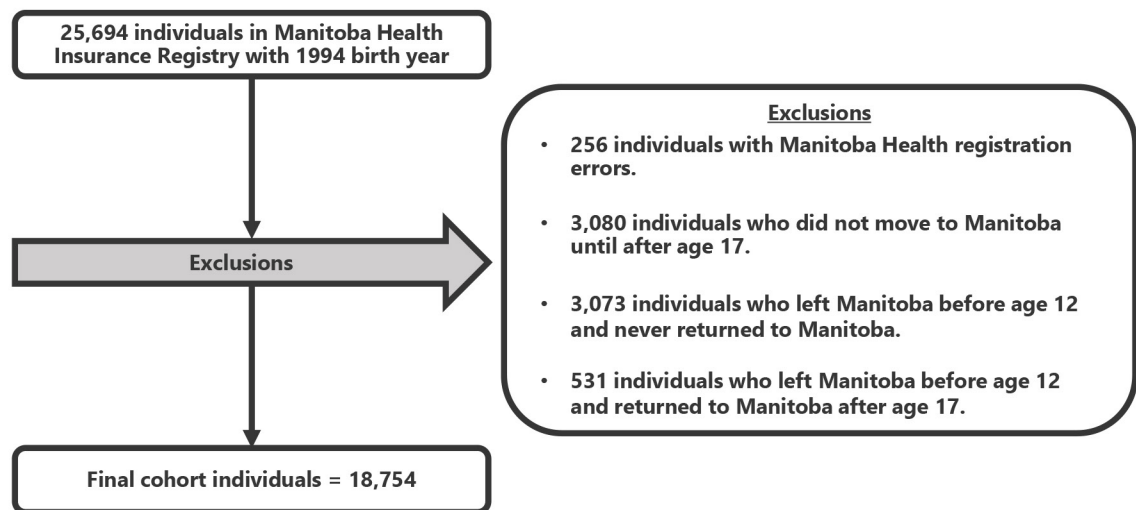
This chapter focuses on a single cohort of Manitobans in order to quantify the overlap between the child welfare and youth justice systems. We chose to focus on all Manitobans who were born in calendar year 1994 so that we would have enough years of data to follow them into young adulthood (up to age 21) and so that their “youth” (age 12-17) occurred completely under the YCJA. We conducted many of the analyses described in this chapter for three additional birth cohorts – 1988, 1991 and 1998 – and present some time trends based on all four cohorts. It should be noted that the 1988 cohort does not have complete information regarding justice involvement, since the PRISM data did not start until 2002 – the 1988 cohort would have turned 12 (and therefore would have been eligible to be charged as youth) in 2000. We also do not yet have data up to age 21 for the 1998 cohort. The descriptive analyses in this chapter closely follow the analysis conducted in a BC study called *Kids, Crime and Care* [13].

1994 Birth Cohort Construction

There were 25,694 individuals in the Manitoba Health Insurance Registry who were born in 1994 (Figure 3.1). Of these, the following were excluded from our final cohort:

- 256 (1.0%) who had registration errors (e.g., duplicate registrations)
- 3,080 (12.0%) who did not move to Manitoba until after age 17
- 3,073 (12.0%) who left Manitoba before age 12 and did not return
- 531 (2.1%) who left Manitoba before age 12 and returned after age 17

Figure 3.1: Selection Criteria for the 1994 Birth Cohort



Cohort Demographics

After these exclusions, the final 1994 cohort included 18,754 individuals. Table 3.1 shows the characteristics of the study cohort with respect to involvement with the child welfare system, youth justice involvement, and Indigenous identity. Involvement with the youth justice system was categorized according to type of involvement, whether as an accused, victim, witness, or any of these three. It should be noted that youth who ONLY had Highway Traffic Act (HTA; e.g., speeding, failing to stop at a stop sign) and/or regulatory offenses (e.g., trespassing on school property, fishing without a license) were not counted in the accused group⁹, since these are the kinds of offenses which the general public would not consider “criminal,” nor are they included in the Criminal Code. Appendix Figure 1.1 in the online supplement depicts the redistribution of these offenses for the cohort (<http://mchp-appserv.cpe.umanitoba.ca/deliverablesList.html>).

As shown in Table 3.1, 83.5% of the 1994 cohort were never involved in the youth justice system, and that percentage was slightly higher for females (84.4%) than for males (82.8%). At some point when they were 12-17, 8.4% of the cohort were accused of a crime. A greater percentage of males were accused (10.5%) compared with females (6.2%), whereas females were more likely to be identified as a victim (7.5%) than males (5.6%), and slightly more likely to be a witness (8.1%) than males (7.6%).

Regarding involvement with the child welfare system, 7.9% of the 1994 cohort had ever been in care; 18.0% had never been in care but their family had at some point received services from CFS; and 74.1% had no involvement with CFS (Table 3.1). Females had slightly higher percentages of any child welfare involvement than males.

The 1994 cohort was 14.8% First Nation, 6.4% Metis and 78.8% all other Manitoba children and youth.

Table 3.1: Characteristics of 1994 Birth Cohort

Characteristics	Population		Male		Female	
	Count	Percent	Count	Percent	Count	Percent
Involvement with Youth Justice System (Age 12-17)						
Accused	1,576	8.4%	1,014	10.5%	562	6.2%
Victim	1,221	6.5%	534	5.6%	687	7.5%
Witness	1,478	7.9%	735	7.6%	743	8.1%
Any (Accused, Victim, or Witness)*	3,087	16.5%	1,659	17.3%	1,428	15.6%
Never Involved	15,667	83.5%	7,957	82.8%	7,710	84.4%
Involvement with Child Welfare System (Age 0-17)						
Ever in Care	1,483	7.9%	727	7.6%	756	8.3%
Ever Received CFS**	3,367	18.0%	1,700	17.7%	1,667	18.2%
Never Involved	13,904	74.1%	7,189	74.8%	6,715	73.5%
Indigenous Identity						
First Nation	2,779	14.8%	1,427	14.8%	1,352	14.8%
Metis	1,195	6.4%	615	6.4%	580	6.4%
AOMCY†	14,780	78.8%	7,574	78.8%	7,206	78.9%
Total	18,754	100.0%	9,616	51.3%	9,138	48.7%

* The sum of "accused" + "victim" + "witness" does not equal "Any (accused, victim, or witness)" because they are not mutually exclusive categories (i.e., the same child could be in more than one of these categories).

** "Ever received CFS" means that the child's family received services from CFS, but the child was never in care.

† All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

⁹ There were a total of 294 youth in our cohort who only had HTA and/or regulatory offenses, but no other accusations in the justice data. These accounted for 15.7% of all accusations (2.5% for youth ever in care, 10.4% for youth ever receiving services from CFS, and 29.3% for youth with no CFS involvement).

Figure 3.2 compares the four cohorts (1988, 1991, 1994 and 1998) and shows that there has been a steady decrease in the percent of youth accused over time, going from 10.5% for the 1988 cohort to 5.8% for the 1998 cohort.¹⁰ This decrease was not unexpected; the YCJA came into force in April 2003, thus the 1988 and 1991 cohorts would not have been fully covered under this act. The previous Young Offenders Act had a different standard for charging youth which may partially explain the higher number of youth accused in the 1988 cohort, and to a lesser extent the 1991 cohort. The pattern is less clear for trends for involvement as victims or witnesses.

Over the same time period that we saw a decrease in justice involvement as accused, there was a steady increase in the percent of children who had ever been in care (from 6.3% in 1988 to 8.7% in 1998) and an overall decrease in children living in families who had received services from CFS (from a high of 19.4% in 1991 to 15.3% in 1998) (see Figure 3.3).

¹⁰ It should be noted that the information for the 1988 cohort may be incomplete with respect to youth justice involvement, as this cohort turned 12 years of age in 2000, but the PRISM data do not begin until 2002.

Figure 3.2: Percent of Accused, Victim, and Witness Compared Over Time

Across 1988, 1991, 1994 and 1998 Cohorts

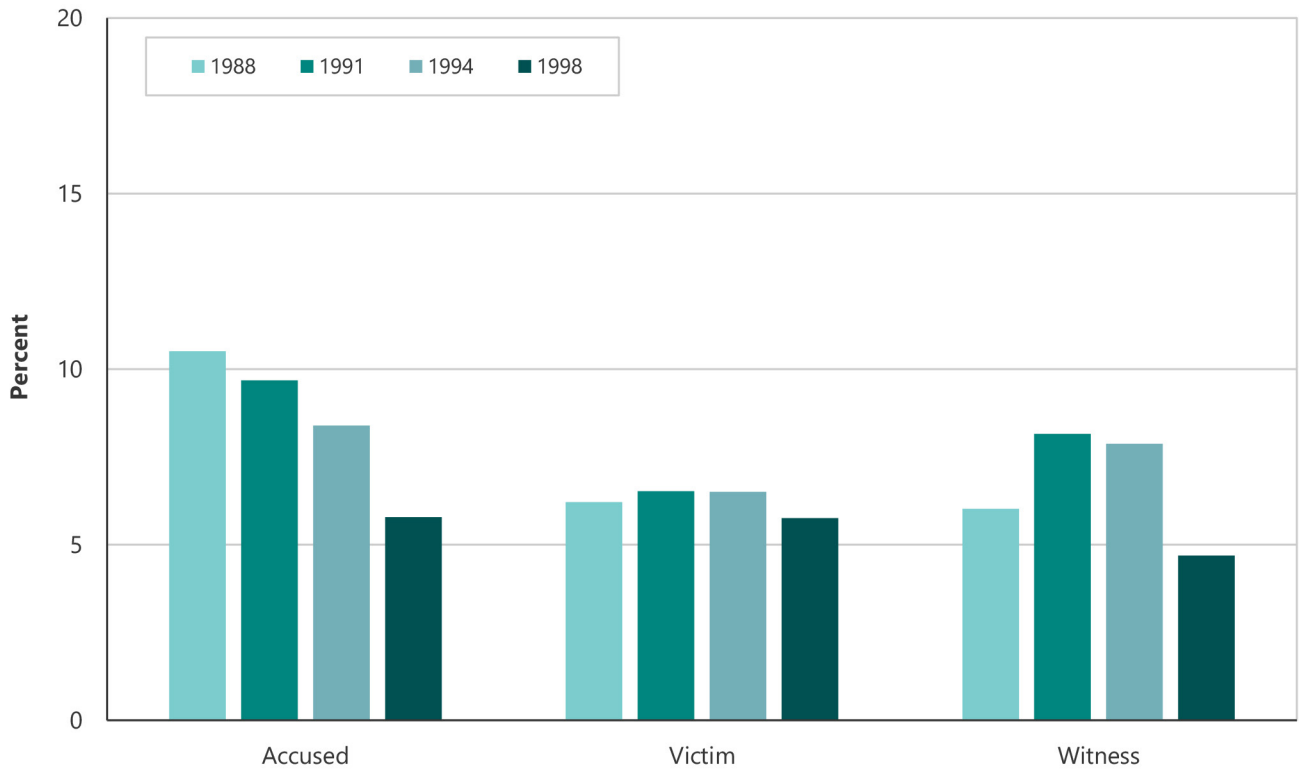
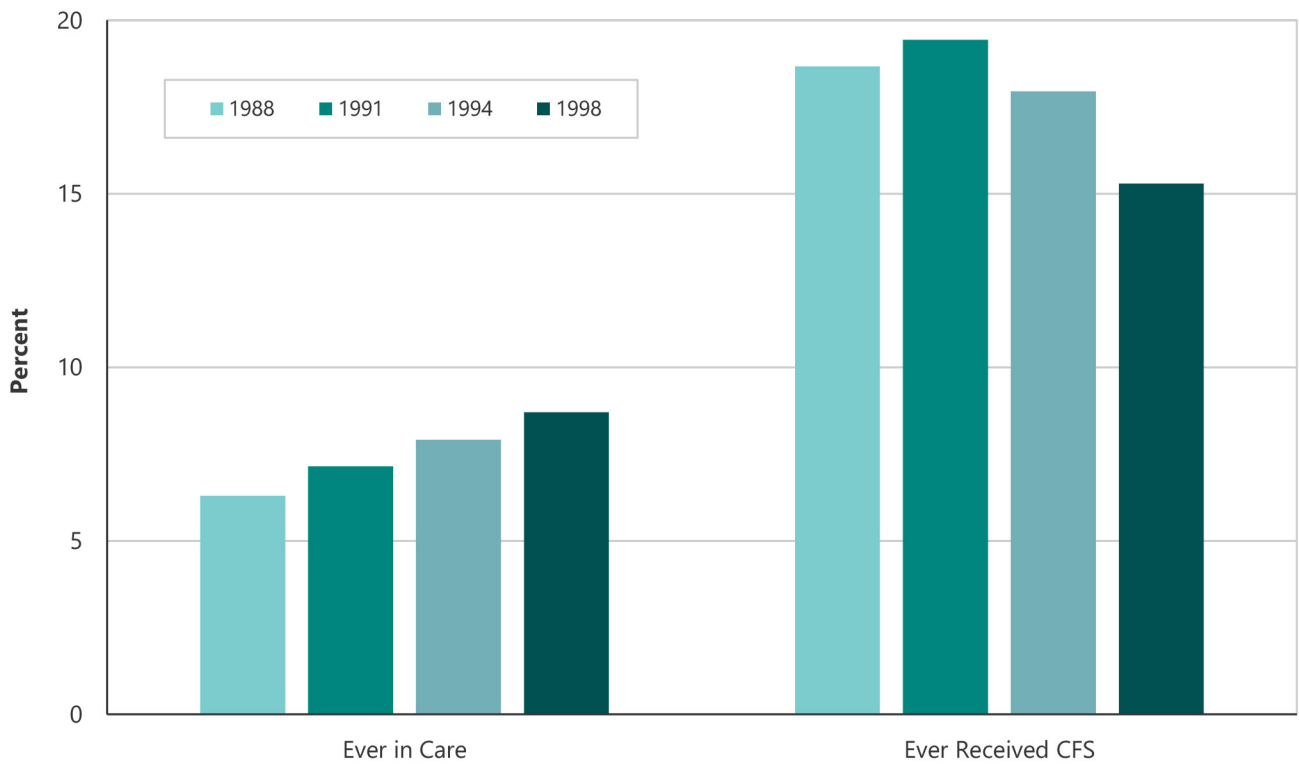


Figure 3.3: Percent of Child Welfare System Involvement Over Time

Across 1988, 1991, 1994 and 1998 Cohorts



Overlap Between the Child Welfare and Youth Justice Systems

The following series of tables and figures show how the child welfare and youth justice systems overlap, and how involvement in these systems differs by Indigenous identity¹¹. The results in these tables and figures answer a number of different questions:

- What percent of children involved in the child welfare system are also involved in the youth justice system?
- What percent of children involved in the child welfare system are Indigenous?
- What percent of Indigenous children are involved with the child welfare system?
- What percent of Indigenous youth are involved in the youth justice system?
- What percent of youth involved in the youth justice system are also involved in the child welfare system?
- What percent of youth involved in the youth justice system are Indigenous?

What percent of children involved in the child welfare system are also involved in the youth justice system?

Table 3.2 separates the 1994 cohort into the three CFS groups – those who were ever in care, those who were never in care but whose families received services from CFS, and those with no CFS involvement. The top part of the table shows youth justice system involvement for each of these three groups. Youth who had ever been in care were much more likely to be involved in the youth justice system than the other two groups. Over one-third (36.4%) of all youth who had ever been in care were accused of at least one crime, compared to 14.9% of youth who were never in care but had received services from CFS, and 3.9% of youth never involved with CFS. Stated another way, youth who had ever been in care were almost 10 times more likely to be accused of a crime than youth with no CFS involvement; youth whose families had ever received services from CFS were almost four times more likely to be accused of a crime than youth with no CFS involvement. Youth who had ever been in care were also more likely to be a victim (25.6%) or witness (26.6%) than youth who had ever received services (12.2% for victim, 12.6% for witness) and youth with no CFS involvement (3.1% for victim, 4.8% for witness). This overlap between the child welfare and youth justice systems is also illustrated in Figure 3.4.

¹¹ Recall from Chapter 1 that disaggregation of results by Indigenous identity calls to attention the impact of social and societal forces such as colonialism, systemic racism, and structural violence on involvement in both child welfare and youth justice systems.

Table 3.2: Characteristics of 1994 Birth Cohort, by Involvement with Child Welfare System

Characteristics	Involvement with Child Welfare System (Age 0-17)					
	Ever in Care		Ever Received CFS*		Never Involved	
	Count	Percent	Count	Percent	Count	Percent
Involvement with Youth Justice System (Age 12-17)						
Accused	539	36.4%	502	14.9%	535	3.9%
Victim	379	25.6%	410	12.2%	432	3.1%
Witness	395	26.6%	423	12.6%	660	4.8%
Any (Accused, Victim, or Witness)**	809	54.6%	966	28.7%	1,312	9.4%
Never Involved	674	45.5%	2,401	71.3%	12,592	90.6%
Indigenous Identity						
First Nation	845	57.0%	762	22.6%	1,172	8.4%
Metis	137	9.2%	374	11.1%	684	4.9%
AOMCY†	501	33.8%	2,231	66.3%	12,048	86.7%
Total (N = 18,754)	1,483	7.9%	3,367	18.0%	13,904	74.1%

* "Ever received CFS" means that the child's family received services from CFS, but the child was never in care.

** The sum of "accused" + "victim" + "witness" does not equal "Any (accused, victim, or witness)" because they are not mutually exclusive categories (i.e., the same child could be in more than one of these categories).

† All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Figure 3.4: Percent of Youth involved in the Youth Justice System by Child Welfare Group
1994 Cohort, Age 12-17

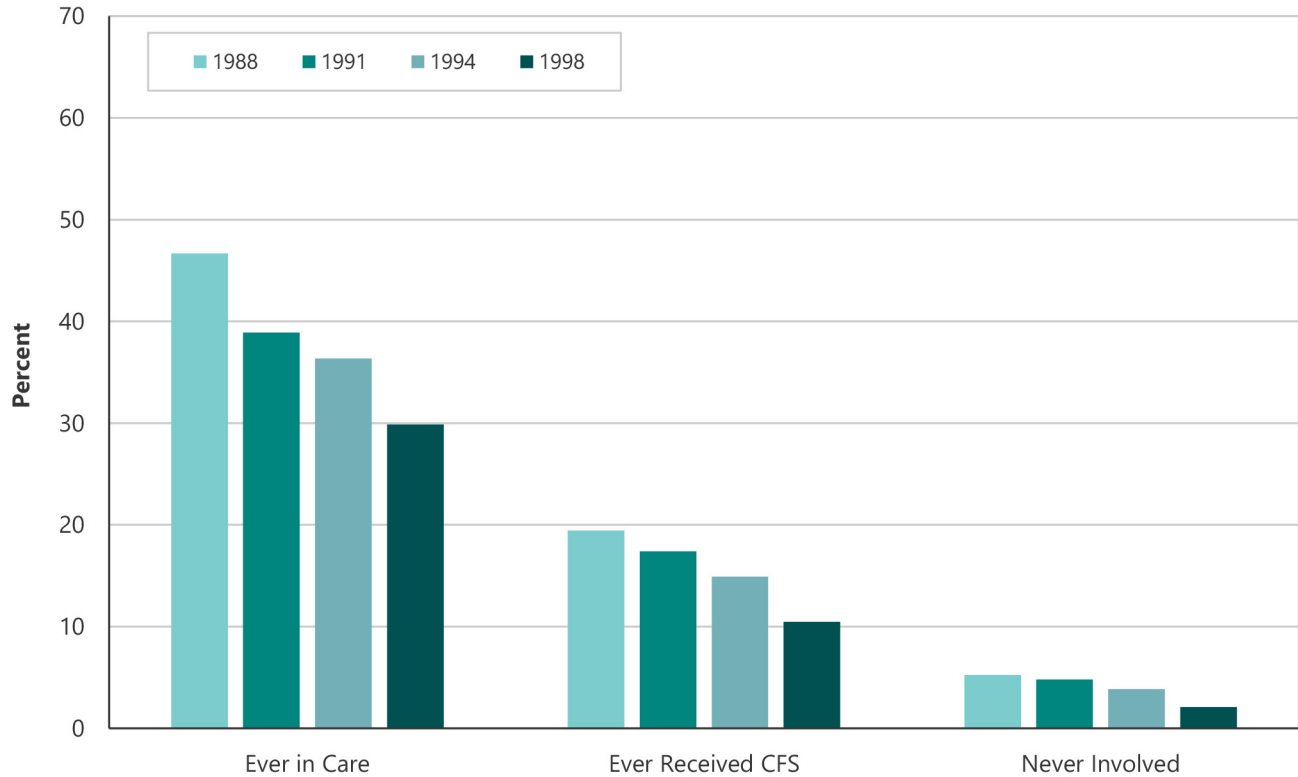


Figure 3.5 shows that between the 1988 and 1998 cohorts there was a decrease in the percent of youth accused over time for all three CFS groups. While the absolute decreases were greatest for the children in care (16.8 percentage point drop) compared with children receiving CFS (9.0 percentage

point drop) and children with no CFS contact (3.2 percentage point drop), the relative decreases were smallest for the children ever in care (dropped by 36.0%) compared with the other two groups (dropped by 46.1% for children receiving CFS and 60.2% for children with no CFS involvement).

Figure 3.5: Percent of Accused in the Youth Justice System by Child Welfare Group Over Time

Across 1988, 1991, 1994, and 1998 Cohorts



What percent of children involved in the child welfare system are Indigenous?

The bottom part of Table 3.2 shows involvement with the child welfare system by Indigenous identity. In the 1994 birth cohort, 66.2% of youth who had ever been in care were Indigenous (57.0% First Nation, 9.2% Metis). This is lower than the percent reported in Manitoba Families Annual Reports, which show that Indigenous children have comprised over 80% of the children in care in Manitoba since 2001/02. Possible reasons for the discrepancy include: 1) an increase in the proportion of children in care who are Indigenous over time (our cohort was at risk of being taken into care between 1994 and 2011); 2) Manitoba Families Annual Reports combine registered and non-registered First Nation children and youth whereas our study only identifies registered First Nation children and youth; 3) underreporting of children in care to the Child and Family Services Information System, which can occur regularly, particularly for children living in Northern Manitoba [42].

What percent of Indigenous children are involved with the child welfare system?

Table 3.3 shows that First Nation children and youth and Metis children and youth have greater involvement with both the child welfare and the justice systems compared to all other Manitoba children and youth. First Nation youth are much more likely to have ever been in care and ever have received services from CFS than the all other Manitoba children and youth group. Likewise, Metis youth are more likely to have been involved with the child welfare system than all other Manitoba children and youth. At a population level, 30.4% of the First Nation youth in our cohort spent some time in care, and 11.5% of the Metis youth spent some time in care, compared with 3.4% for all other Manitoba children and youth.

Table 3.3: Characteristics of 1994 Birth Cohort, by Indigenous Identity

Characteristics	Indigenous Identity					
	First Nation		Metis		AOMCY*	
	Count	Percent	Count	Percent	Count	Percent
Involvement with Child Welfare System (Age 0-17)						
Ever in Care	845	30.4%	137	11.5%	501	3.4%
Ever Received CFS**	762	27.4%	374	31.3%	2,231	15.1%
Never involved	1,172	42.2%	684	57.2%	12,048	81.5%
Involvement with Youth Justice System (Age 12-17)						
Accused	791	28.5%	138	11.6%	647	4.4%
Victim	552	19.9%	111	9.3%	558	3.8%
Witness	691	24.9%	135	11.3%	652	4.4%
Any (Accused, Victim, or Witness)†	1,315	47.3%	284	23.8%	1,488	10.1%
Never involved	1,464	52.7%	911	76.2%	13,292	89.9%
Total (N = 18,754)	2,779	14.8%	1,195	6.4%	14,780	78.8%

* All Other Manitoba Children and Youth

** "Ever received CFS" means that the child's family received services from CFS, but the child was never in care.

† The sum of "accused" + "victim" + "witness" does not equal "Any (accused, victim, or witness)" because they are not mutually exclusive categories (i.e., the same child could be in more than one of these categories).

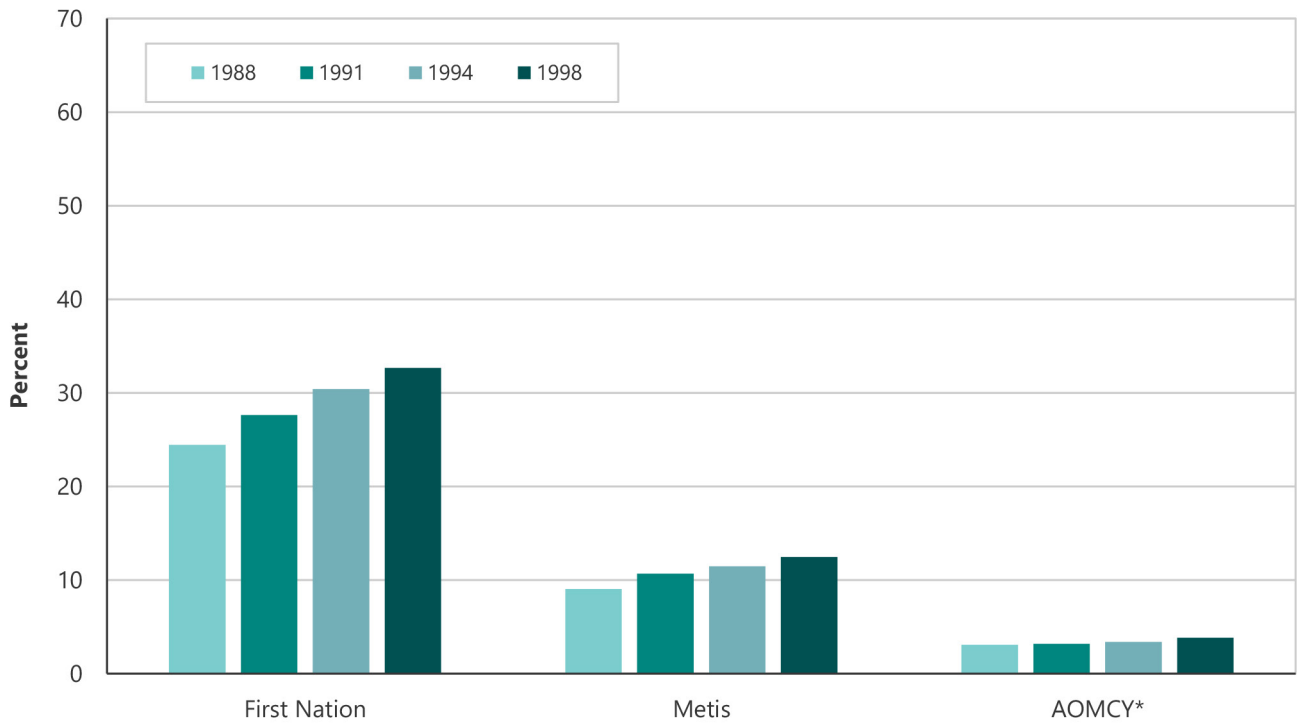
Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Figure 3.6 shows the percent of children ever in care for the four cohorts (1988, 1991, 1994 and 1998) by Indigenous identity. All groups showed a steady increase over time in the percent of children ever in care, with absolute increases of 8.2 percentage points for First Nation children,

3.4 percentage points for Metis children, and 0.76 percentage points for the all other Manitoba children and youth group. The relative increases were 33.7% for First Nation children, 37.9% for Metis children, and 24.8% for all other Manitoba children and youth.

Figure 3.6: Percent of Ever in Care by Indigenous Identity Over Time

Across 1988, 1991, 1994 and 1998 Cohorts



* All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

What percent of Indigenous children are involved in the youth justice system?

The bottom part of Table 3.3 shows that all categories of justice involvement are higher for First Nation than for all other Manitoba children and youth, with Metis youth involvement also higher than the all other Manitoba children and youth. Over one-quarter (28.5%) of First Nation youth and 11.6% of Metis youth have been accused of a crime compared with 4.4% of all other Manitoba children and youth. First Nation youth are more likely to be victims

(19.9%) and witnesses (24.9%), and Metis youth are also more likely to be victims (9.3%) and witnesses (11.3%) than all other Manitoba children and youth (3.8% victims, 4.4% witnesses). This over-representation of Indigenous youth in the youth justice system is also depicted in Figure 3.7.

Figure 3.8 shows decreases in the percent accused over time for First Nation (11.3 percentage point absolute decrease, 35.2% relative decrease), Metis (6.7 percentage point absolute decrease, 44.7% relative decrease) and all other Manitoba children and youth (3.8 percentage point absolute decrease, 58.5% relative decrease).

Figure 3.7: Percent of Indigenous Youth Involved in the Youth Justice System

1994 Cohort, Age 12-17

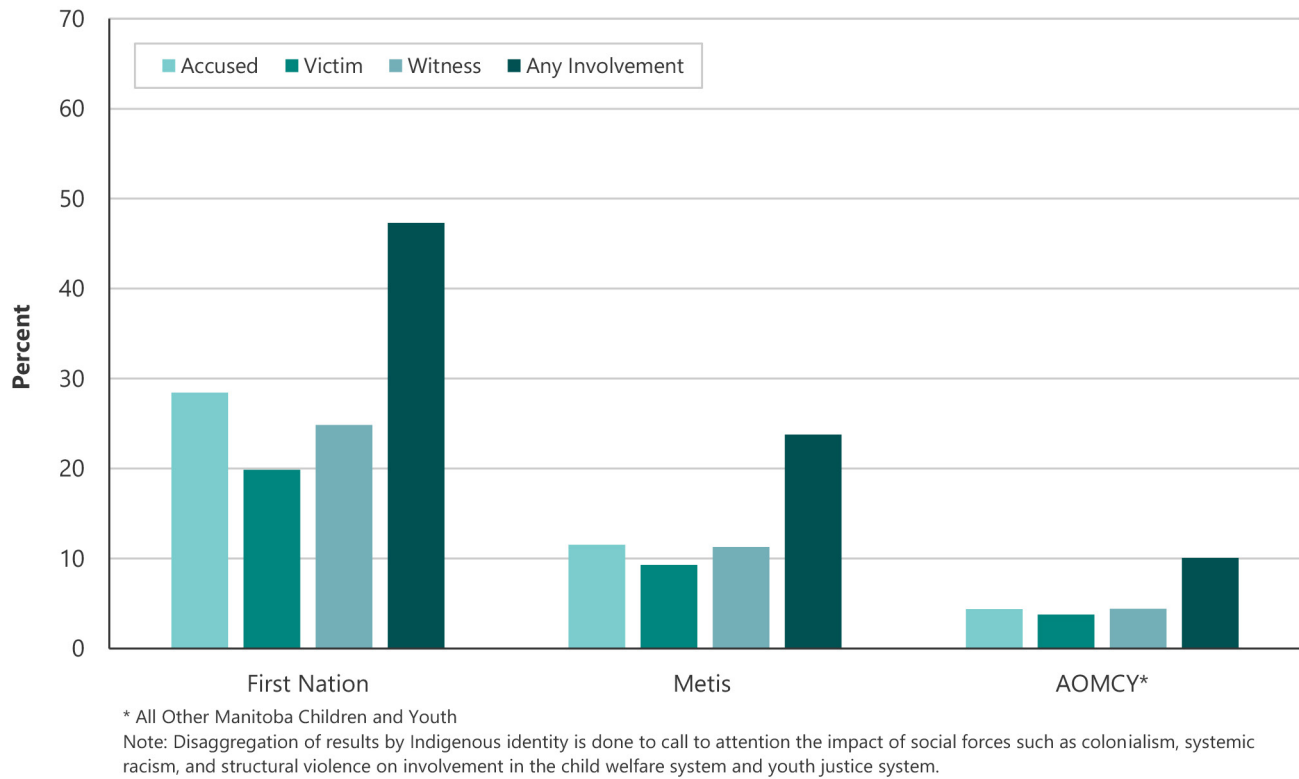
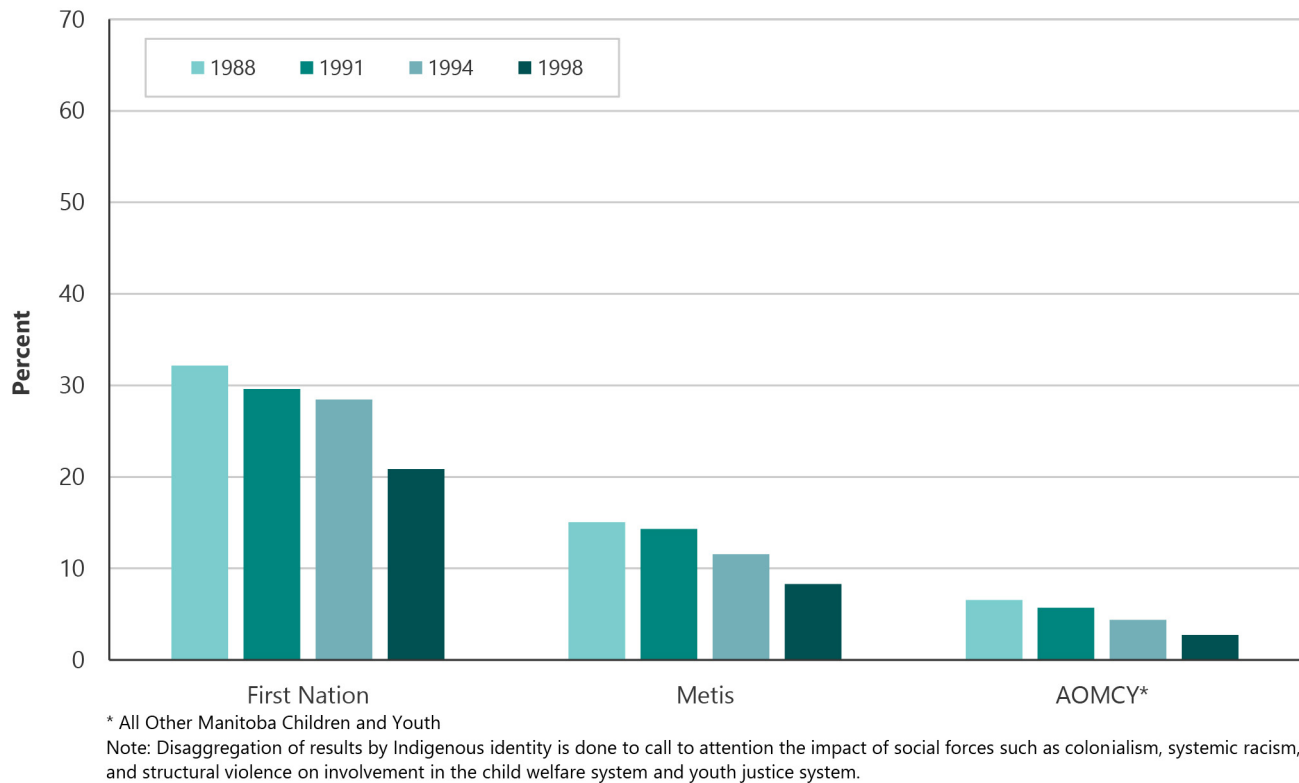


Figure 3.8: Percent of Accused in the Youth Justice System by Indigenous Identity Over Time

Across 1988, 1991, 1994 and 1998 Cohorts



What percent of youth involved in the youth justice system are also involved in the child welfare system?

The final table in this series (Table 3.4) looks at involvement in the youth justice system by the three CFS groups and by Indigenous identity. The last line of the table shows that 8.4% of the 1994 cohort were involved as an accused at any point between age 12-17. Of all youth involved as an accused, 34.2% had ever been in care and 31.9% were never in care but received services from CFS. Taken together,

66.1% of youth who were accused in the youth justice system had experienced some CFS involvement (even though these youth accounted for only 25.9% of our cohort: 7.9% ever in care and 18.0% ever received services from CFS, as shown earlier in Table 3.1). The percent of youth involved in the youth justice system by their involvement in the child welfare system is also illustrated in Figure 3.9.

Over time, children who had ever been in care made up an increasing proportion of youth accused in the justice system, going from 28.0% in 1988 to 44.9% in 1998 (data not shown).

Table 3.4: Characteristics of 1994 Birth Cohort, by Involvement with Youth Justice System

Characteristics	Involvement with Youth Justice System (age 12-17)									
	Accused		Victim		Witness		Any Involvement*		No Involvement	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Involvement with Child Welfare System (age 0-17)										
Ever in Care	539	34.2%	379	31.0%	395	26.7%	809	26.2%	674	4.3%
Ever Received CFS**	502	31.9%	410	33.6%	423	28.6%	966	31.3%	2,401	15.3%
Never Involved	535	34.0%	432	35.4%	660	44.7%	1,312	42.5%	12,592	80.4%
Indigenous Identity										
First Nation	791	50.2%	552	45.2%	691	46.8%	1315	42.6%	1464	9.3%
Metis	138	8.8%	111	9.1%	135	9.1%	284	9.2%	911	5.8%
AOMCY†	647	41.1%	558	45.7%	652	44.1%	1488	48.2%	13292	84.8%
Total (N = 18,754)	1,576	8.4%	1,221	6.5%	1,478	7.9%	3,087	16.5%	15,667	83.5%

* The sum of "accused" + "victim" + "witness" does not equal "Any (accused, victim, or witness)" because they are not mutually exclusive categories (i.e., the same child could be in more than one of these categories).

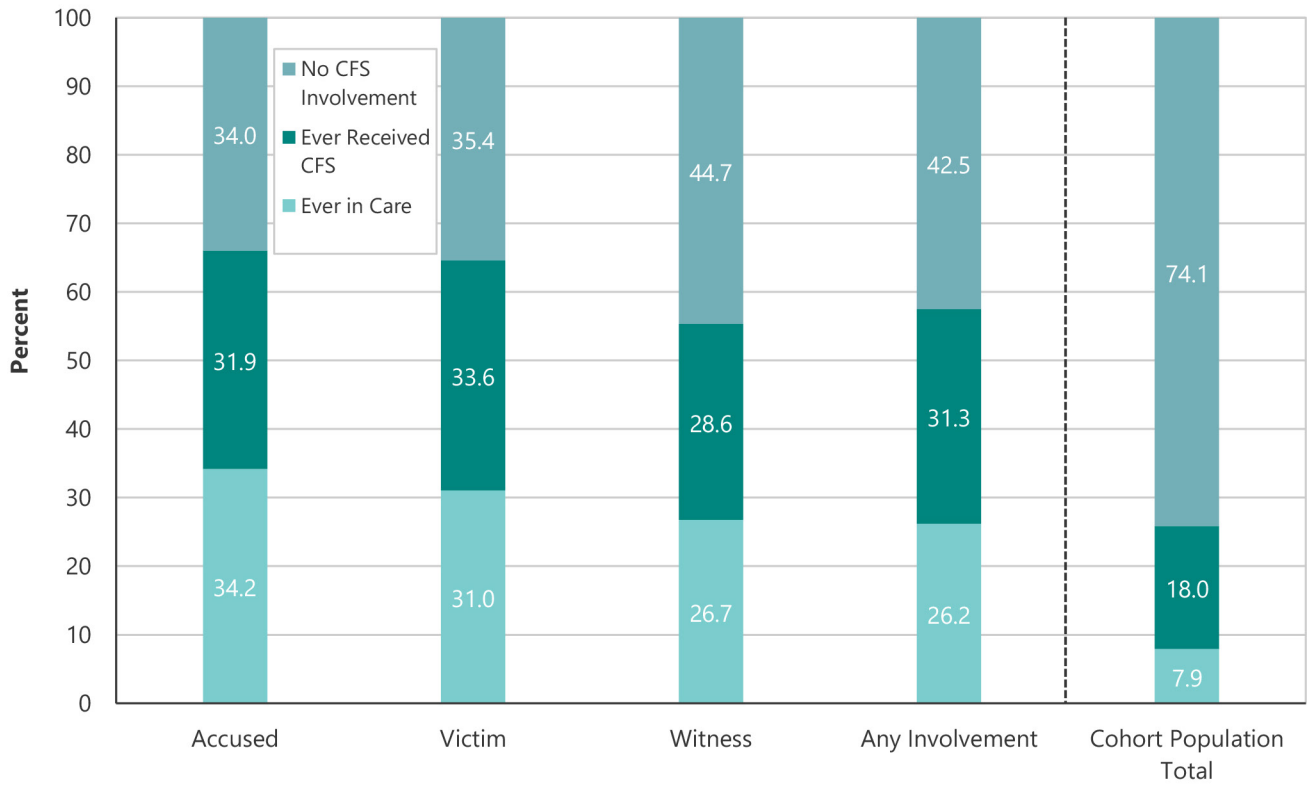
** "Ever received CFS" means that the child's family received services from CFS, but the child was never in care.

† All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Figure 3.9: Percent of Youth Justice Involvement Disaggregated by Child Welfare Group

1994 Cohort, Age 12-17



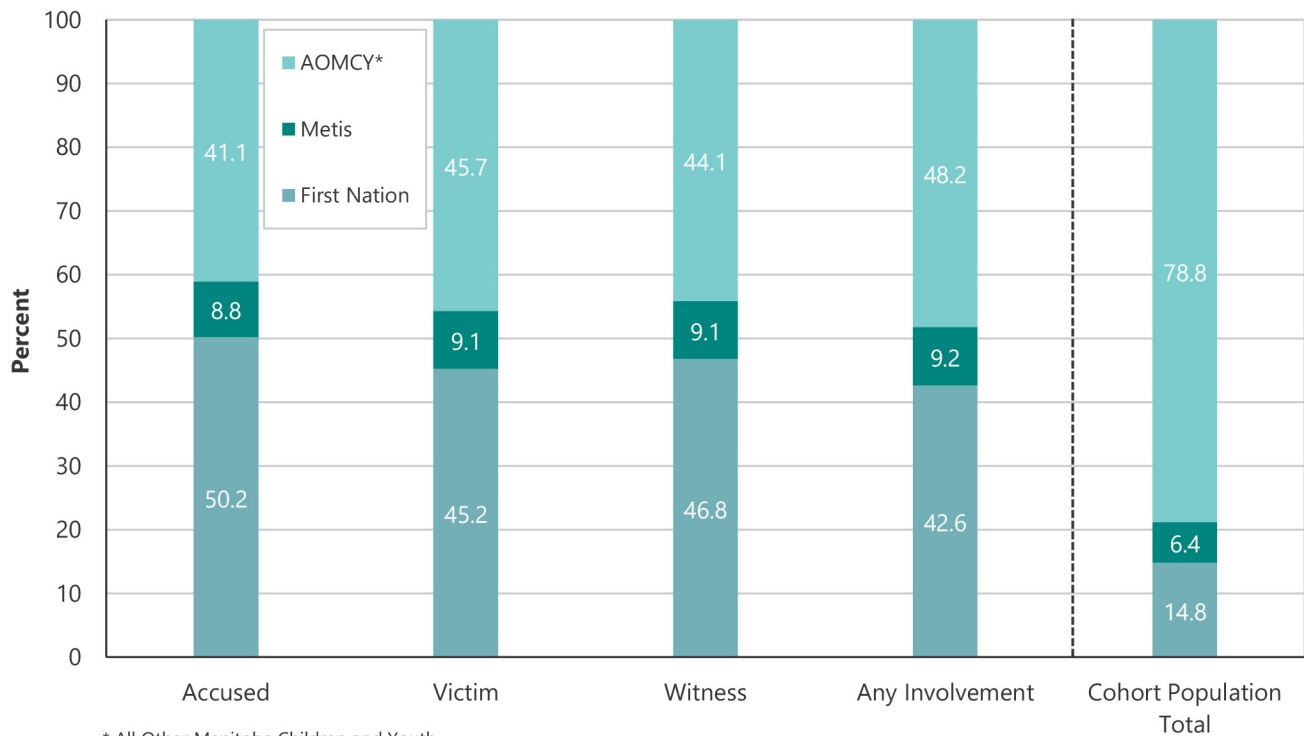
What percent of youth involved in the youth justice system are Indigenous?

The bottom half of Table 3.4 shows that close to 60% of all youth involved in the youth justice system as accused are Indigenous (50.2% First Nation and 8.8% Metis), even though they account for only 21.2% of the cohort – 14.8% First Nation, 6.4% Metis, as was shown in Table 3.1. This over-representation of Indigenous youth in the youth justice system is also depicted in Figure 3.10.

The over-representation of First Nation youth as accused in the youth justice system has increased over time, going from 40.6% for the 1988 cohort to 53.8% for the 1998 cohort (data not shown). The over-representation of Metis youth as accused in the justice system stayed relatively stable over time (9.6% in 1988, 9.3% in 1998), whereas the proportion of all other Manitoba children and youth as accused in the justice system dropped over time (going from accounting for 49.9% of accused in 1988 to 36.9% in 1998).

Figure 3.10: Percent of Youth Justice Involvement Disaggregated by Indigenous Identity

1994 Cohort, Age 12-17



* All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Summary of the Overlap

The overlap of the child welfare and youth justice systems for First Nation youth (Figure 3.11 and Table 3.5), Metis youth

(Figure 3.12 and Table 3.6), and all other Manitoba youth (Figure 3.13 and Table 3.7) is pictured as Venn diagrams.

Figure 3.11: The Overlap between First Nation Identity, Ever in Care and Youth Justice System Involvement as an Accused
1994 Cohort, Age 12-17

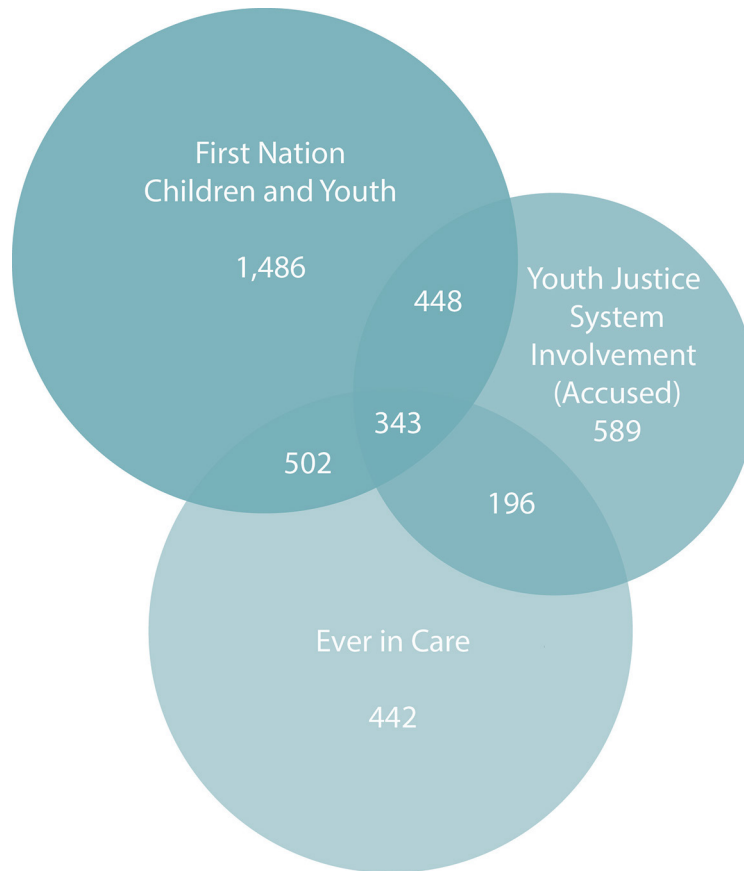


Table 3.5: The Overlap between First Nation Identity, Ever in Care and Youth Justice System Involvement as an Accused
1994 Cohort, Age 12-17

	Total
First Nation	2,779
Accused	1,576
Ever in Care	1,483
30.4% of First Nation children were ever in care ((502+343)/2779)	
57.0% of the ever in care group were First Nation ((502+343)/1483)	
28.5% of First Nation youth were accused ((448+343)/2779)	
50.2% of youth accused were First Nation ((448+343)/1576)	
40.6% of First Nation youth in the ever in care group were accused (343/(343+502))	

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Figure 3.12: The Overlap between Metis Identity, Ever in Care and Youth Justice System Involvement as an Accused
1994 Cohort, Age 12-17

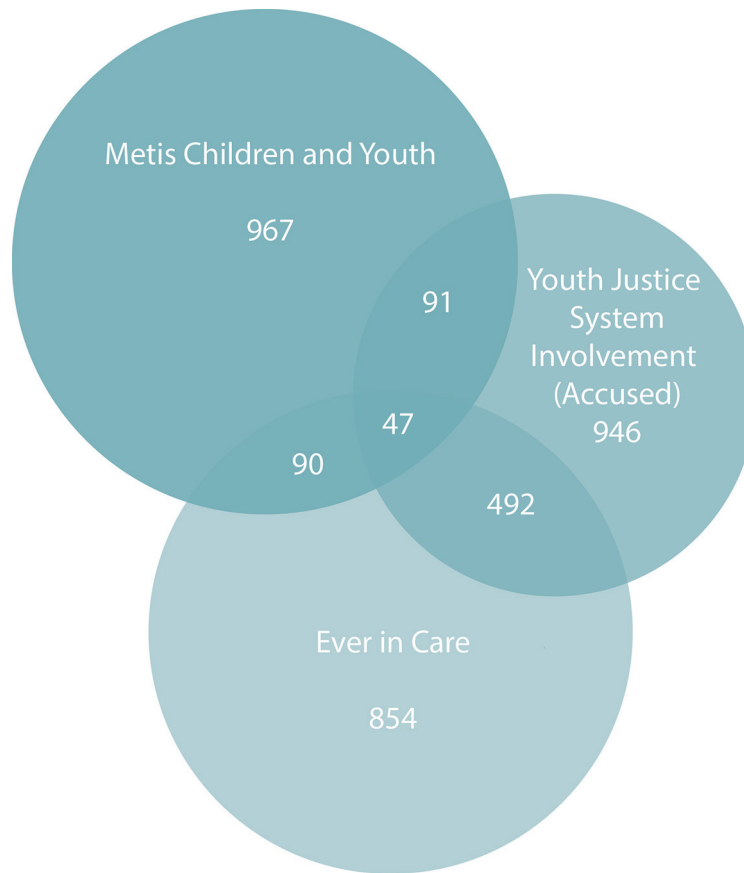


Table 3.6: The Overlap between Metis Identity, Ever in Care and Youth Justice System Involvement as an Accused
1994 Cohort, Age 12-17

	Total
Metis	1,195
Accused	1,576
Ever in Care	1,483
11.5% of Metis children were ever in care ((47+90)/1195)	
9.2% of the ever in care group were Metis ((47+90)/1483)	
11.5% of Metis youth were accused ((91+47)/1195)	
8.8% of youth accused were Metis ((91+47)/1576)	
34.3% of Metis youth in the ever in care group were accused (47/(47+90))	

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Figure 3.13: The Overlap between AOMCY* Identity, Ever in Care and Youth Justice System Involvement as an Accused
1994 Cohort, Age 12-17

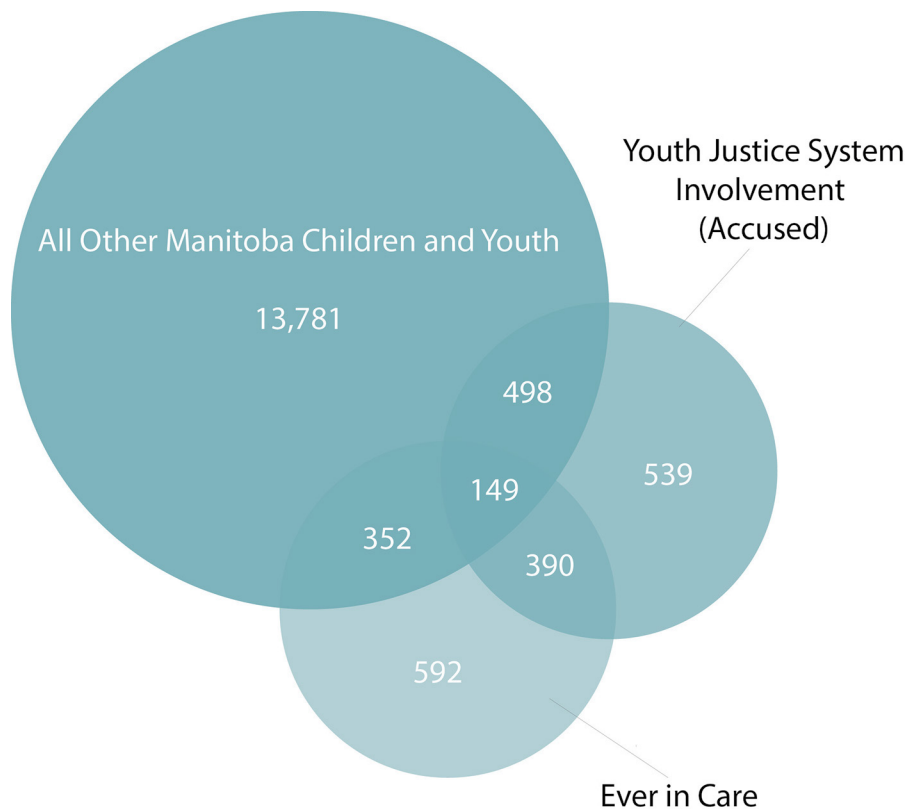


Table 3.7: The Overlap between AOMCY* Identity, Ever in Care and Youth Justice System Involvement as an Accused
1994 Cohort, Age 12-17

	Total
AOMCY*	14,780
Accused	1,576
Ever in Care	1,483
3.4% of AOMCY* children were ever in care ((352+149)/14780)	
33.8% of the ever in care group were AOMCY* ((352+149)/1483)	
4.4% of AOMCY* youth were accused ((498+149)/14780)	
41.1% of youth accused were AOMCY* ((498+149)/1576)	
29.7% of AOMCY* youth in the ever in care group were accused (149/(149+352))	

* All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

It should be noted that in some cases, involvement with the child welfare system occurs *after* a youth is accused of a crime in the youth justice system. For the 1994 cohort, 5.7% of the youth who had ever been in care were first placed into care *after* they were accused. It is possible that they went into care *because* they had been involved in the youth justice system. Likewise, 1.4% of the youth from the 1994 cohort whose families had ever received services from CFS received those services *after* they had been accused. When we recalculate the overlap of the child welfare and youth justice systems by excluding those youth whose CFS involvement occurred *after* their justice system involvement, then 32.5% of youth ever in care were accused in the youth justice system (compared to 36.4% when these youth are not excluded), and 13.7% of youth whose families ever received services from CFS were accused in the youth justice system (compared to 14.9% when these youth are not excluded).

Table 3.8 shows justice system involvement as an accused for the 1994 cohort when they were age 12-17, age 18-21, and age 12-21, disaggregated by the three CFS groups and Indigenous identity; each of these is also disaggregated by sex. For the entire cohort, 13.0% were accused of a crime by the time they were 21 years of age. Males were more likely to be accused of a crime than females, and this holds true regardless of CFS involvement (ever in care, ever received CFS, never involved with CFS) and Indigenous identity. Table 3.8 shows that over half (54.6%) of males and 42.2% of females who were ever in care were accused of a crime by the time they were 21 years old. Furthermore, 47.6% of First Nation males and 33.5% of First Nation females were accused of a crime by the time they were 21 years old. At age 21, the rate of being accused for those never involved with CFS was 7.0% (9.7% for males and 4.2% for females); for those who were all other Manitoba children and youth, the rate was 7.3% (9.7% for males and 4.7% for females).

Table 3.8: Justice System Involvement as an Accused among Youth and Young Adults by Child Welfare System Involvement and Indigenous Identity

1994 Cohort

Characteristics	Total Population	Accused in Youth Justice System (Age 12-17)		Accused in Justice System (Age 18-21)		Accused in Justice System (Age 12-21)	
	Count	Count	Percent	Count	Percent	Count	Percent
Involvement with Child Welfare System (age 0-17)							
Ever in Care	1,483	539	36.4%	134	11.7%	716	48.3%
Male	727	306	42.1%	60	11.0%	397	54.6%
Female	756	233	30.8%	74	12.3%	319	42.2%
Ever Received CFS*	3,367	502	14.9%	314	9.3%	737	21.9%
Male	1,700	328	19.3%	185	11.0%	477	28.1%
Female	1,667	174	10.4%	129	7.5%	260	15.6%
Never Involved	13,904	535	3.9%	722	5.3%	978	7.0%
Male	7,189	380	5.3%	557	7.9%	697	9.7%
Female	6,715	155	2.3%	165	2.5%	281	4.2%
Indigenous Identity							
First Nation	2,779	791	28.5%	352	14.6%	1,132	40.7%
Male	1,427	487	34.1%	205	16.6%	679	47.6%
Female	1,352	304	22.5%	147	12.5%	453	33.5%
Metis	1,195	138	11.6%	114	9.4%	223	18.7%
Male	615	96	15.6%	79	12.0%	154	25.0%
Female	580	42	7.2%	35	6.3%	69	11.9%
AOMCY**	14,780	647	4.4%	704	4.8%	1,076	7.3%
Male	7,574	431	5.7%	518	7.0%	738	9.7%
Female	7,206	216	3.0%	186	2.6%	338	4.7%
Total	18,754	1,576	8.4%	1,170	6.4%	2,431	13.0%
Male	9,616	1,014	10.5%	802	8.6%	1,571	16.3%
Female	9,138	562	6.2%	368	4.2%	860	9.4%

* "Ever received CFS" means that the child's family received services from CFS, but the child was never in care.

** All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Characteristics of Youth and Young Adults Accused in the Justice System

We examined a number of services, outcomes, and characteristics of youth and young adults by different child welfare and Indigenous identity groups, and by whether they were accused as a youth or not. The services we examined included receipt of special education funding and receipt of income assistance; the outcome we examined was high school graduation; and the characteristics we examined were being diagnosed with an intellectual or developmental disability (IDD) or a mental disorder.

Special Education Funding

In Manitoba, special education funding is available to students with special needs who require extensive supports in the classroom [43]. The special needs that are funded include multiple disabilities, psychoses, autism spectrum disorders, deafness or hard of hearing, severe visual

impairments or blindness, and emotional and behavioural disorders. Figure 3.14 and Figure 3.15 show the percent of our cohort who received special education funding by whether or not they were accused in the justice system as a youth (age 12-17), for the three CFS groups, and for the three Indigenous identity groups, respectively.

In Figure 3.14, we can see that for all three CFS groups, special education funding was higher for those who were accused of a crime as a youth compared with those not accused. Compared with the other CFS groups, special education funding was highest for youth who had ever been in care: 19.0% for those who were not accused of a crime, and 23.7% for those accused of a crime.

Figure 3.15 shows that 15.8% of First Nation youth and 12.0% of Metis youth were both accused of a crime and received special education funding, compared to 9.3% of all other Manitoba children and youth. Receiving special education funding was about twice as high among those who had been accused of a crime than those who had not, regardless of Indigenous identity.

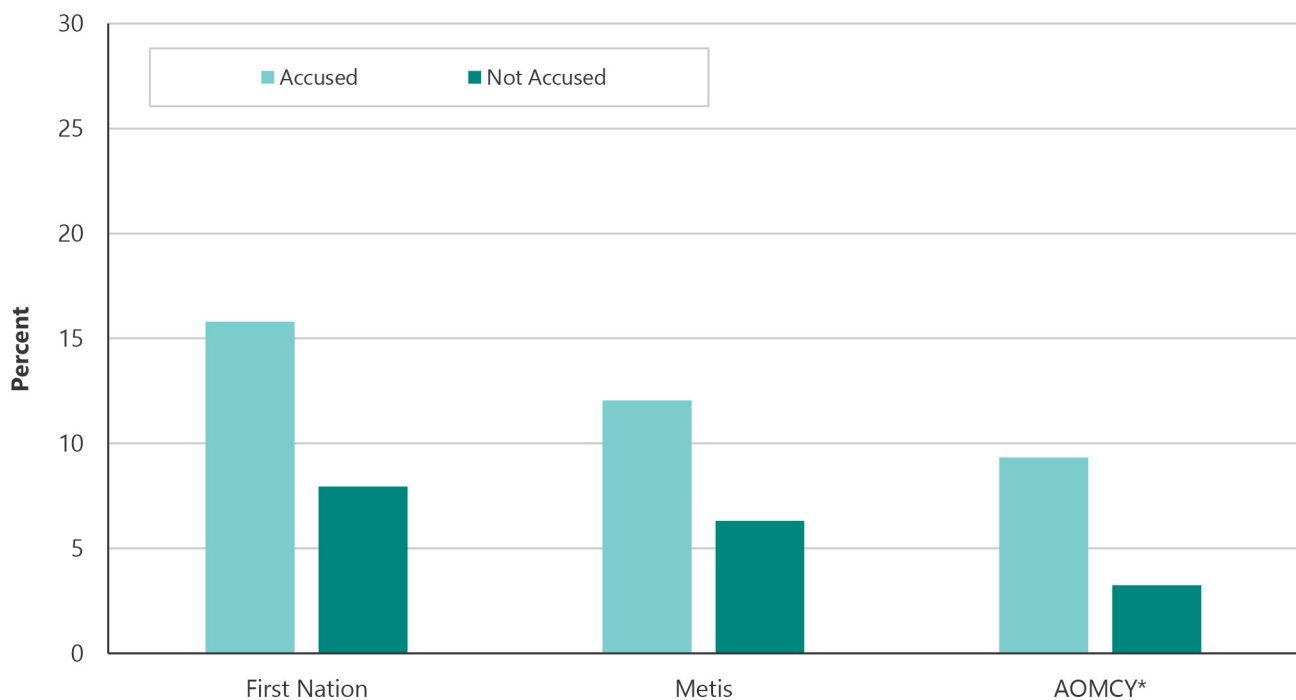
Figure 3.14: Percent of Youth Receiving Special Education Funding (up to age 21), by Child Welfare System Involvement and Youth Justice System Involvement as an Accused

1994 Cohort



Figure 3.15: Percent of Youth Receiving Special Education Funding (up to age 21), by Indigenous Identity and Youth Justice System Involvement as an Accused

1994 Cohort



* All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Graduation Rate

To determine graduation rate, we looked only at those youth in the cohort who were living in Manitoba in the year they were in grade 9 and who stayed in the province until they graduated or were 21 years old (whichever came first); that way, youth who left Manitoba before age 17 and who may have completed high school elsewhere were not counted as withdrawing from school. We know that some youth take longer to graduate from high school or may return to school after initially withdrawing. We followed the cohort up to age 21 to see whether they graduated; if they returned to school after this point, they would not be identified as graduates in this analysis.¹² Figure 3.16 and Figure 3.17 shows the percent of the cohort who graduated from high school by whether or not they were accused, for the three CFS groups and the three Indigenous identity groups, respectively. For all groups, graduation rates were lower for youth who had been accused of a crime. The graduation rates in Figure 3.16 are lowest for youth who had ever been in care for those who were not accused as a youth, the graduation rate was 48.0%; but for those who were accused, only 20.8% of youth who had ever been in care graduated from high school.

Although not shown in Figure 3.16, the graduation rate for youth who have ever been in care (regardless of whether they were accused or not) is 38.0%. Thus, youth from the 1994 cohort who had ever been in care were more likely to be accused of a crime (see Table 3.8: 48.3% by age 21) than to graduate from high school by age 21. Figure 3.17 shows that for each Indigenous identity group, graduation rates are lower for those who were accused as youth compared to those who did not have an accusation in the youth justice system. First Nation youth had the lowest graduation rates, with only 18.9% of those accused as youth graduating by the time they were age 21; this went up to 45.9% for those without an accusation as a youth, but this was considerably lower than Metis who had not been accused as a youth (81.4%) and for all other Manitoba children and youth (91.3%). As with those who had ever been in care, First Nation young people were more likely to become involved in the justice system by age 21 (40.7%) than graduate high school by this age (37.8%)

¹² Graduation rates for children attending high school in First Nation communities may be undercounted as these schools are not required to submit graduation records to Manitoba Education & Training.

Figure 3.16: Percent of Youth Graduating High School by Age 21, by Child Welfare System Involvement and Youth Justice System Involvement as an Accused

1994 Cohort

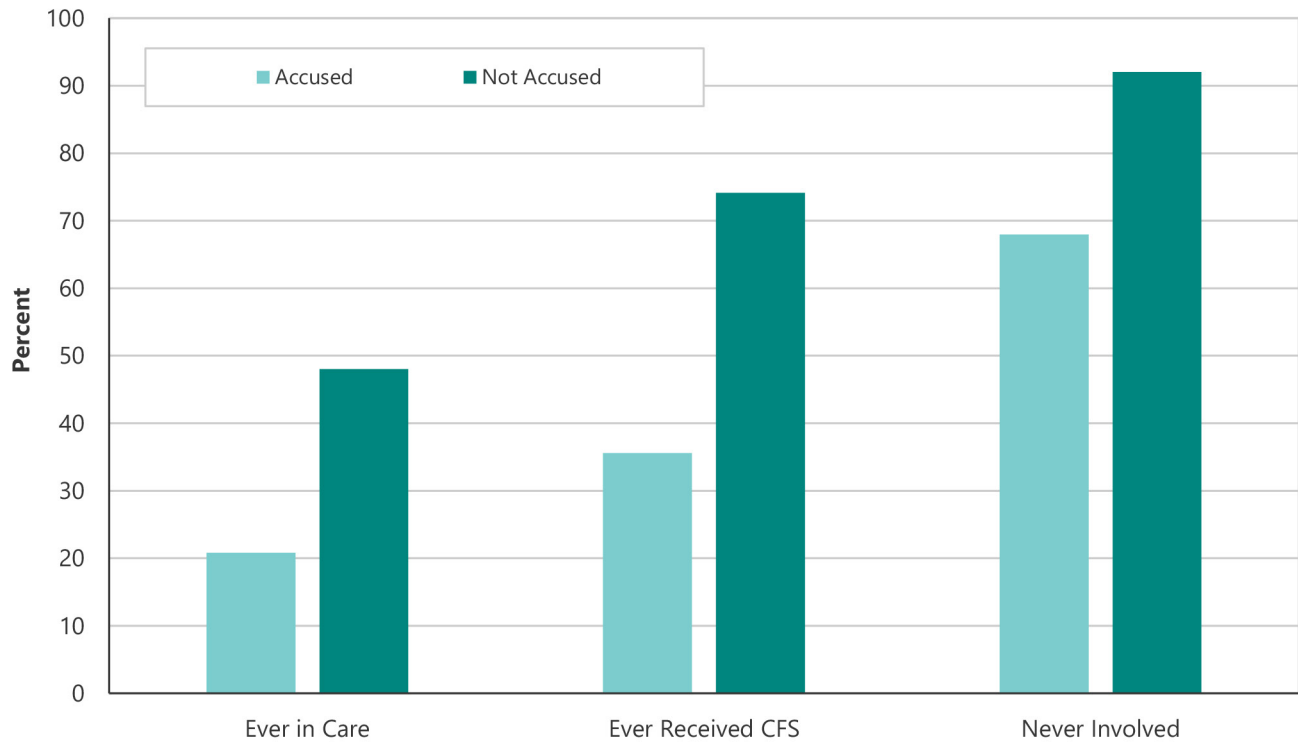
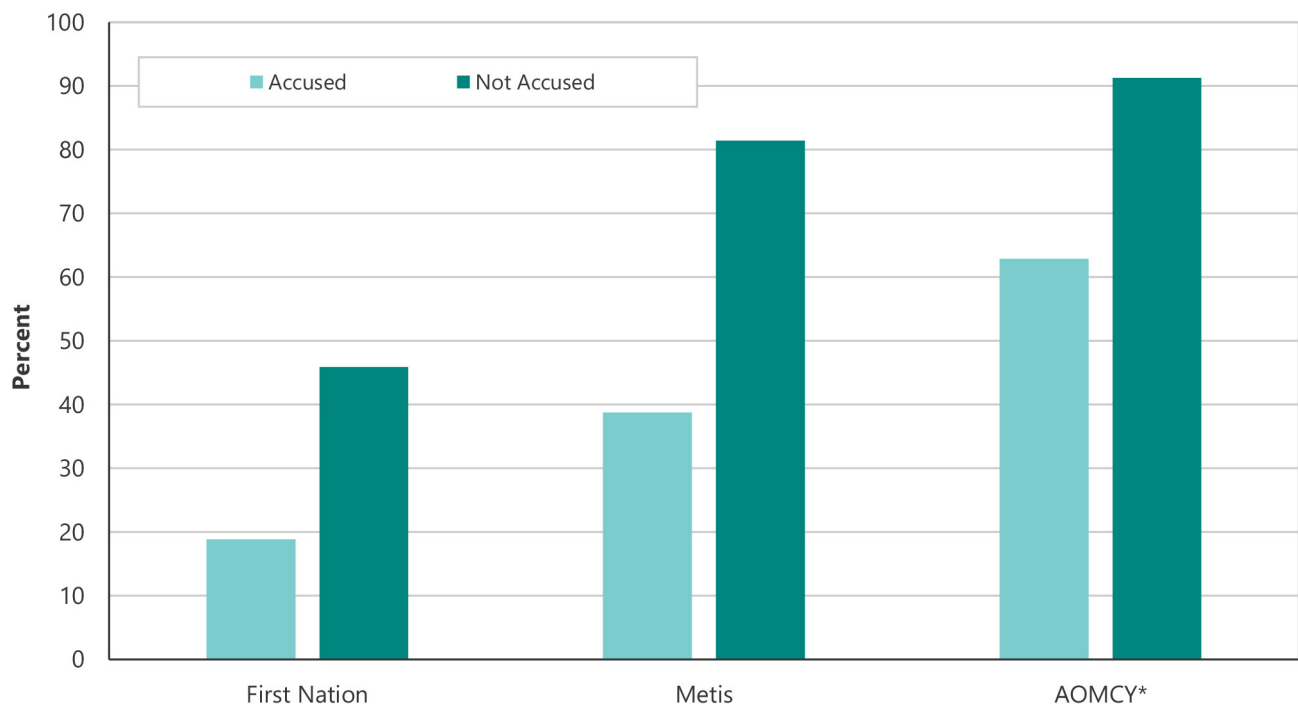


Figure 3.17: Percent of Youth Graduating High School by Age 21, by Indigenous Identity and Youth Justice System Involvement as an Accused

1994 Cohort



* All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Mental Disorders and Intellectual or Developmental Disabilities

We determined whether individuals in the 1994 cohort were diagnosed with a mental disorder at any point from age 6 until March 31, 2017. Mental disorder diagnoses included ADHD, conduct disorder, mood and anxiety disorders, psychotic disorder, and/or substance use disorder that were identified using the Medical Services, Hospital Discharge Abstracts and Drug Program Information Network databases. We also determined whether individuals in the cohort were diagnosed with an intellectual or developmental disability (IDD) at any point from birth until March 31, 2017. IDD include conditions such as Autism Spectrum Disorder, Fetal Alcohol Spectrum Disorder (FASD), congenital malformations and Down Syndrome, which were identified using the Medical Services, Hospital Discharge Abstracts, Manitoba FASD Centre, and Enrollment, Marks & Assessments databases. For technical definitions of these disorders and disabilities please see Appendix 2 in the online supplement.

One-third (33.8%) of the cohort were diagnosed with a mental disorder at some point from age 6 until March 31, 2017, and this varied by both CFS and Indigenous identity groups, and by whether they were accused as youth or not. As shown in Figure 3.18, 70.1% of individuals who had ever been in care and who were accused as a youth had a mental disorder diagnosis at some point. Figure 3.19 shows that rates of mental disorder diagnoses were similar across Indigenous identity groups for youth who were accused, whereas among youth who had not been accused, First Nation and Metis youth had higher rates of mental disorder diagnoses than all other Manitoba children and youth.

Figure 3.18: Percent of Youth with a Mental Disorder*, by Child Welfare System Involvement and Youth Justice System Involvement as an Accused

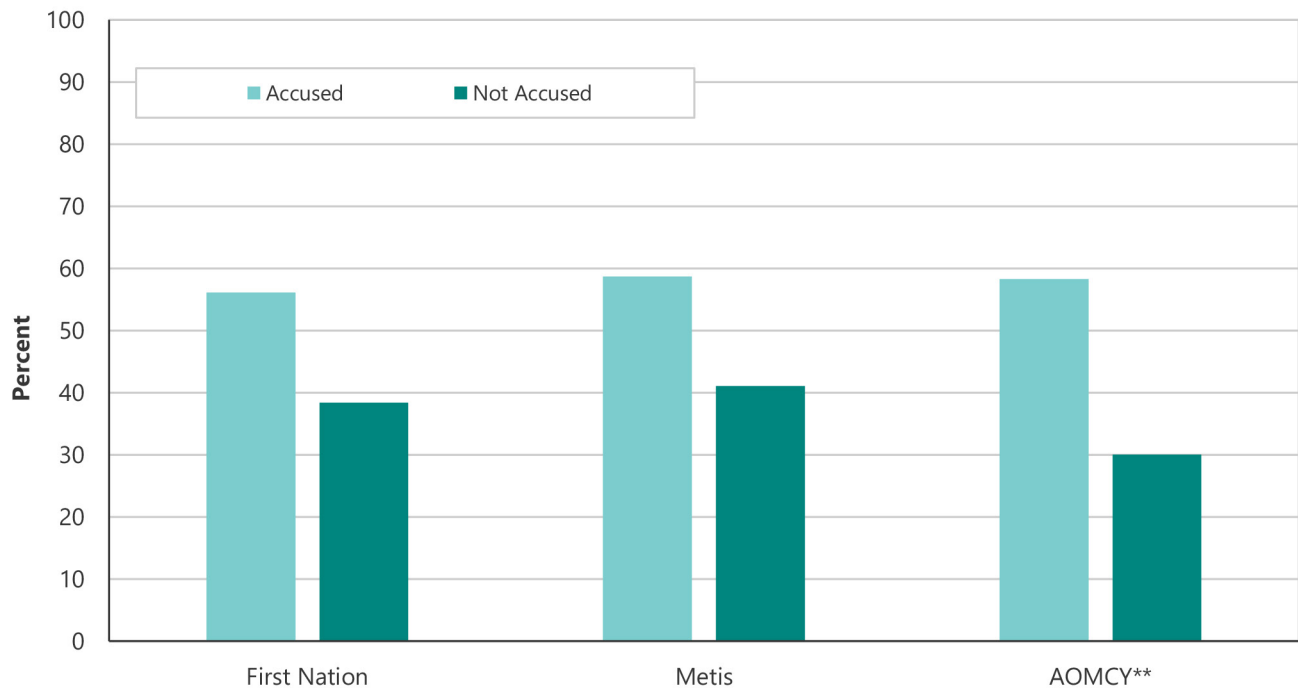
1994 Cohort



* Mental disorders include: ADHD, conduct disorder, mood and anxiety disorder, psychotic disorder and substance use disorder.

Figure 3.19: Percent of Youth with a Mental Disorder*, by Indigenous Identity and Youth Justice System Involvement as an Accused

1994 Cohort



* Mental disorders include: ADHD, conduct disorder, mood and anxiety disorder, psychotic disorder and substance use disorder.

** All Other Manitoba Children and Youth

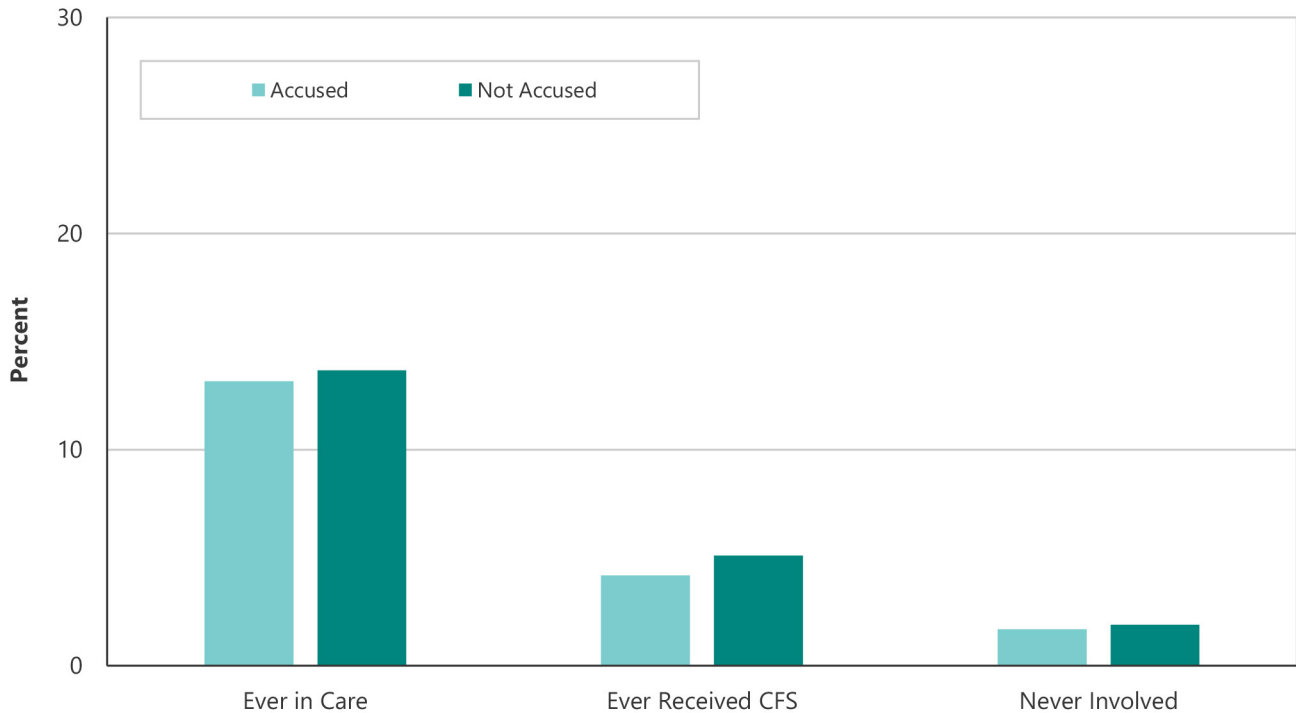
Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Overall, 3.4% of the cohort were diagnosed with an IDD sometime from birth up to March 31, 2017; Figure 3.20 shows that the highest rates of IDD occurred among those who had ever been in care, followed by those who had ever received CFS; however, there were smaller differences between those who were accused and not accused as youths than for other indicators. The pattern of IDD

diagnoses by Indigenous identity was similar to the pattern for other indicators, with the highest percent of individuals diagnosed with IDD being First Nation, followed by Metis, and there were higher rates of IDD diagnoses for youth who had been accused than youth who had not been accused (Figure 3.21). Please note that the scale of the IDD figures is different than that for the mental disorder figures.

Figure 3.20: Percent of Youth with an Intellectual or Developmental Disability*, by Child Welfare System Involvement and Youth Justice System Involvement as an Accused

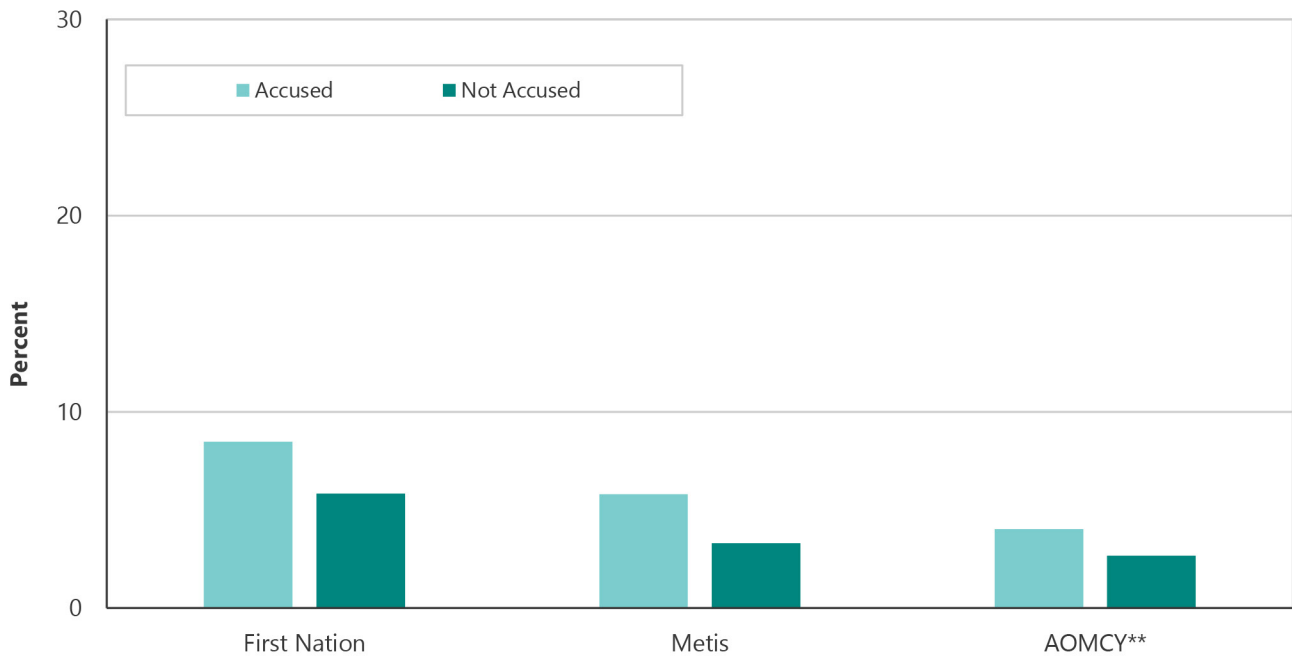
1994 Cohort



* Intellectual or Developmental Disabilities include disabilities like autism spectrum disorder, fetal alcohol spectrum disorder, congenital malformations, or Down syndrome.

Figure 3.21: Percent of Youth with an Intellectual or Developmental Disability*, by Indigenous Identity and Youth Justice System Involvement as an Accused

1994 Cohort



* Intellectual or Developmental Disabilities include disabilities like autism spectrum disorder, fetal alcohol spectrum disorder, congenital malformations, or Down syndrome.

** All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Income Assistance

Income assistance is available to individuals and families in the province of Manitoba who require financial assistance with meeting basic needs [44], and is thus an indicator of poverty. Once youth turn 18 years old, they can apply for their own income assistance, if necessary. We looked at the percent of the cohort who received income assistance at any point between age 18-21, by whether or not they had been accused of a crime as a youth (age 12-17) and for each of the CFS and Indigenous identity groups (Figure 3.22 and Figure 3.23, respectively). Figures 3.22 and 3.23 show that for each of the groups

examined, the percent receiving income assistance as young adults was higher for those accused of a crime as a youth than those not accused. Among CFS groups, children and youth who had ever been in care had the highest percent receiving income assistance as young adults: 26.3% overall (not shown), 22.2% for those who had never been accused as a youth, and 33.3% for those who had been accused of a crime as a youth. Among Indigenous identity groups, First Nation young adults were the most likely to have received income assistance at 14.8% overall (not shown); however, among those accused as youth, Metis young adults were the most likely to have received income assistance (25.6%).

Figure 3.22: Percent of Young Adults Receiving Income Assistance, by Child Welfare System Involvement and Youth Justice System Involvement as an Accused
1994 Cohort, Age 18-21

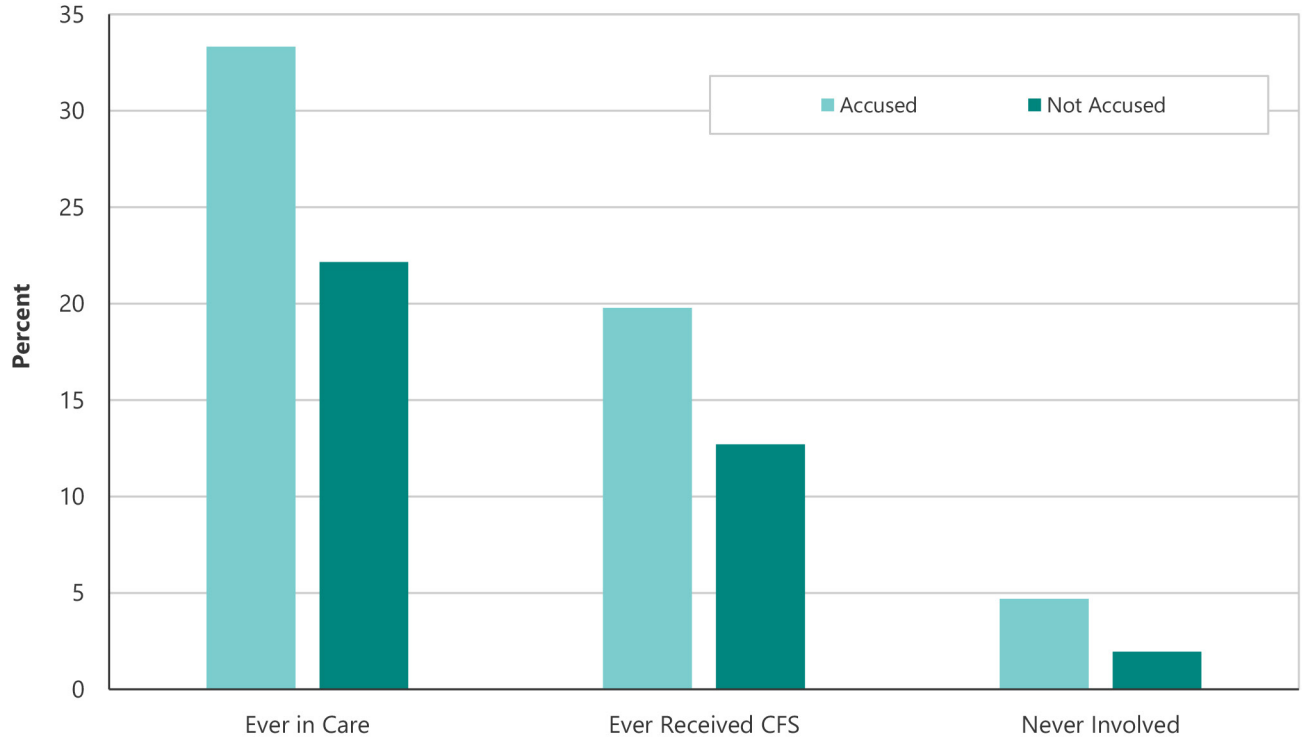
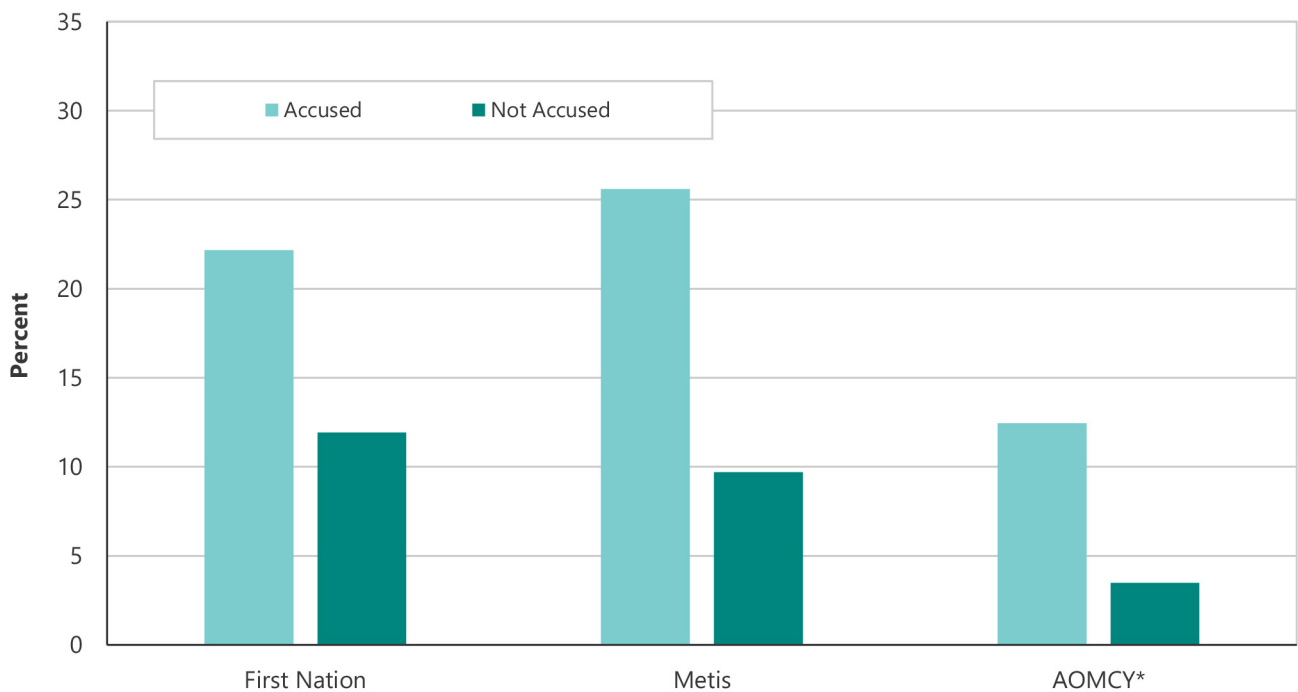


Figure 3.23: Percent of Young Adults Receiving Income Assistance, by Indigenous Identity and Youth Justice System Involvement as an Accused
1994 Cohort, Age 18-21



* All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Mortality

We followed the 1994 cohort until March 31, 2017, when they were age 22-23, to determine whether mortality differed amongst the CFS and Indigenous identity groups. Out of the cohort of 18,754 individuals, 117 individuals had died by March 31, 2017. Figures 3.24 and 3.25 show that for each group, the percent who died was higher for those accused as a youth compared with those not accused as a youth, although the gap between the accused and not accused was much smaller for the individuals who had ever been in care than for the other two CFS groups or any of the Indigenous identity groups. Figure 3.24 shows that the highest mortality rate amongst the three CFS groups

was for those who had ever been in care – 2.2% overall (not shown), 2.4% for those accused as a youth, and 2.0% for those not accused as a youth. Of the 117 deaths in the 1994 cohort, 27.4% were individuals who had ever been in care, even though they accounted for only 7.9% of the cohort. Figure 3.25 shows the highest mortality rate among Indigenous identity groups was among First Nation youth – 2.2% overall (not shown), 3.0% for those accused as a youth, and 1.9% for those not accused as a youth. Of the 117 deaths in the cohort, 52.1% were First Nation individuals, despite the fact that they accounted for only 14.8% of the cohort. The mortality rate for Metis youth was 0.5% overall, and cannot be reported by accused/not accused categories due to data suppression rules.¹³

¹³ Information based on numbers between 1 and 5 people cannot be reported to protect confidentiality.

Figure 3.24: Percent of Individuals in the Cohort who Died, by Child Welfare System Involvement and Youth Justice System Involvement as an Accused

1994 Cohort, Age 12-17

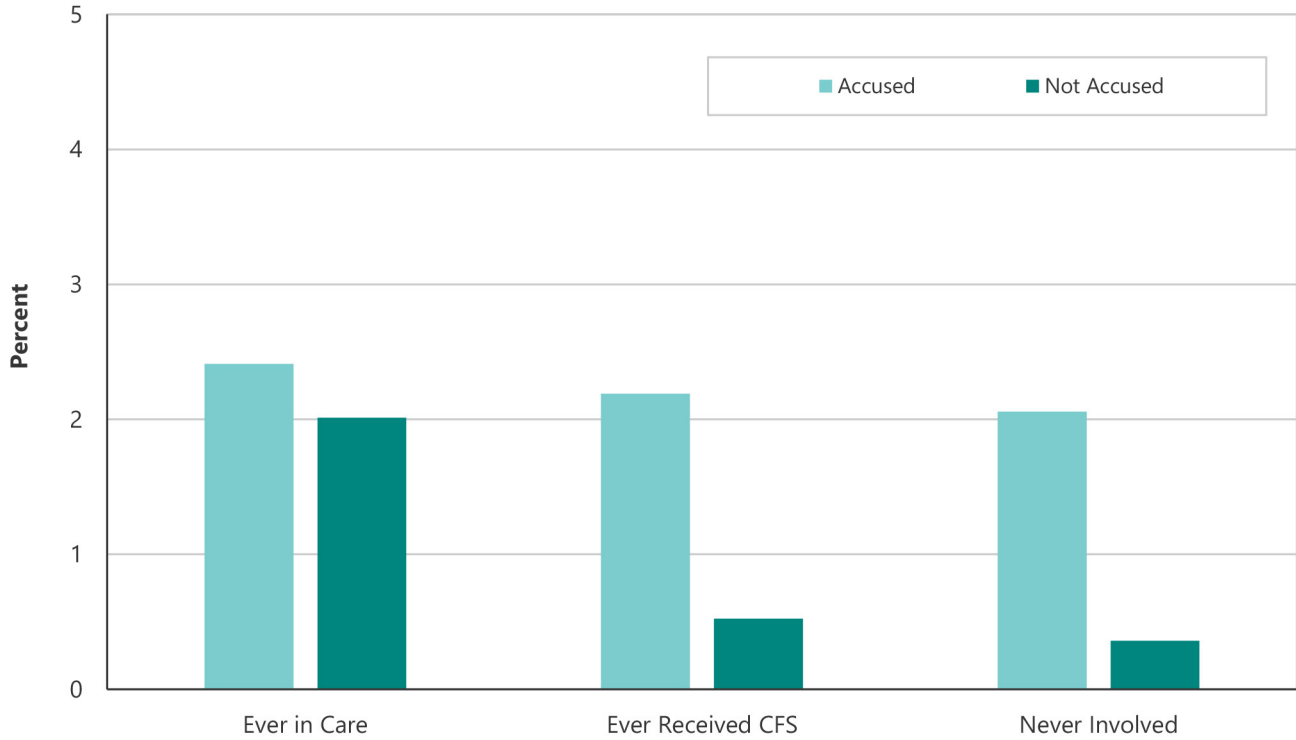
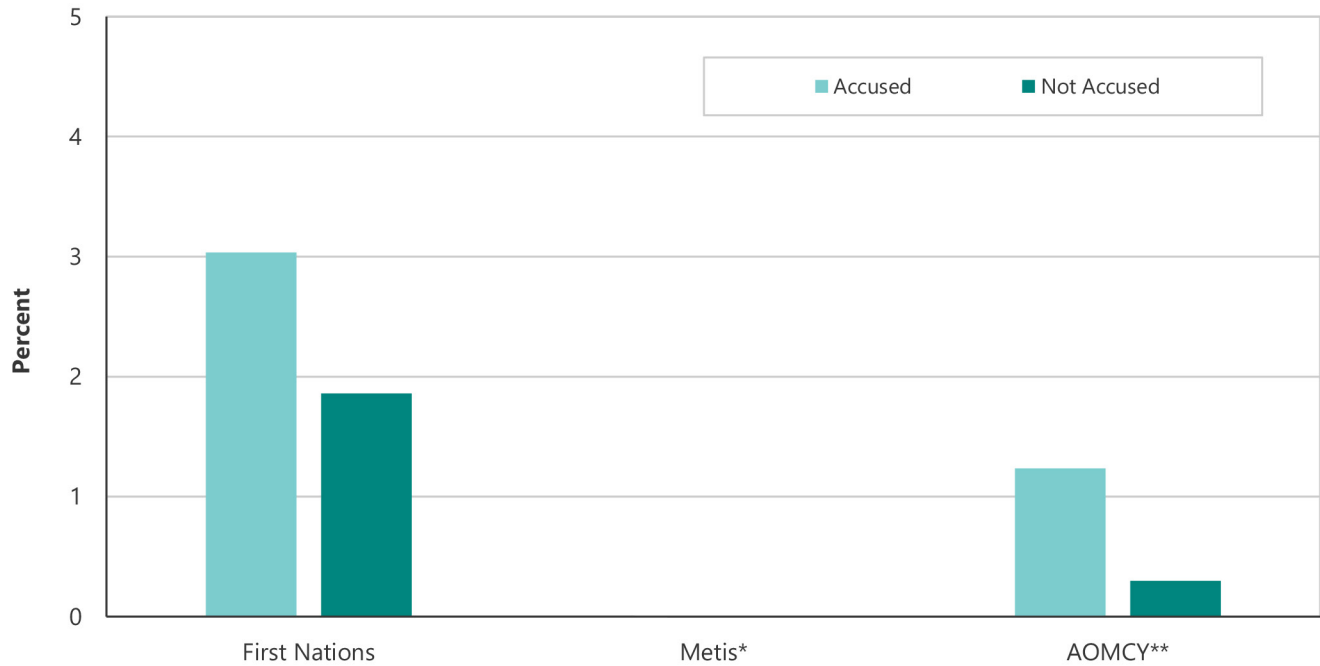


Figure 3.25: Percent of Individuals in the Cohort who Died, by Indigenous Identity and Youth Justice System Involvement as an Accused

1994 Cohort, Age 12-17



* Data suppressed due to small numbers.

** All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Charges¹⁴ in the Youth Justice System

Number of Youth Charged

A total of 1,576 youth (8.4%) from the 1994 cohort were charged with a crime when they were age 12-17. As shown in Figure 3.9, 34.2% (539) had ever been in care, 31.9% (502) had ever received services, and 34.0% (535) had no CFS contact as children or youth. Not all youth who have been charged with an offense proceed through the judicial process to disposition; sometimes the charges do not proceed. We classified charges as “proceeding” and “not proceeding,” as follows:

A charge is classified as ‘proceeding’ if the charge type reports any of the following:

- Laid
- Disposed
- Diversion
- Post-Charge Diversion
- Crown Appeal
- Accused Appeal

A charge is classified as ‘not proceeding’ if the charge type reports any of the following:

- No Charge Laid
- Discharged
- Stayed
- Pre-Charge
- Pre-Charge Diversion
- Crown Opinion
- Crown Opinion Diversion
- Pending
- Missing

Among the youth in the 1994 cohort who were accused in the youth justice system, almost one fifth (18.2%) had charge(s) that did not proceed. As shown in Figures 3.26 and 3.27, there were differences across the three CFS and Indigenous identity groups, respectively, with respect to whether accused youths’ charges proceeded or did not proceed. Among youth with no involvement with CFS who were charged with a crime, almost one-quarter (23.7%) had charges that did not proceed, compared to only 10.0% of youth who had ever been in care and 21.1% of youth never in care but who had CFS involvement (Figure 3.26). Likewise, all other Manitoba children and youth were much less likely to have their charges proceed than Indigenous youth: almost one-third (30.4%) of all other Manitoba children and youth charged with a crime did not have their charges proceed through the system, compared to only 8.3% for First Nation youth, and 17.4% for Metis youth (Figure 3.27).

Whether a charge proceeds or not, the charge is still indicative of some contact with the justice system. For this reason, all analyses on charges described in the following section include both those that proceeded and those that did not proceed.

¹⁴ The PRISM dataset allows us to classify youth involved with the justice system by type of involvement: accused, witness, or victim. We have used this terminology in the preceding sections. In the remaining sections of this chapter, we examine the numbers and types of charges that accused youth received, and so our terminology shifts from describing youth accused of a crime to youth charged with a crime.

Figure 3.26: Percent of Youth Accused in the Youth Justice System Whose Charge Proceeded, by Child Welfare System Involvement
1994 Cohort, Age 12-17

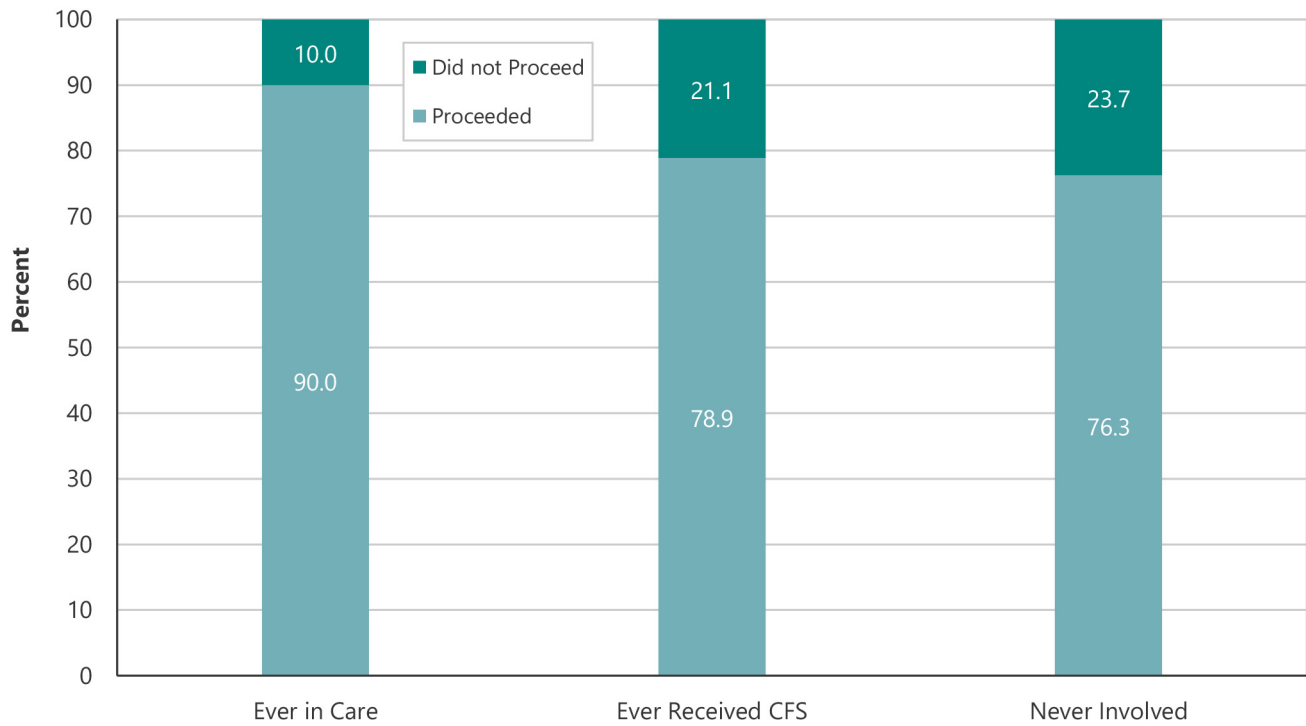
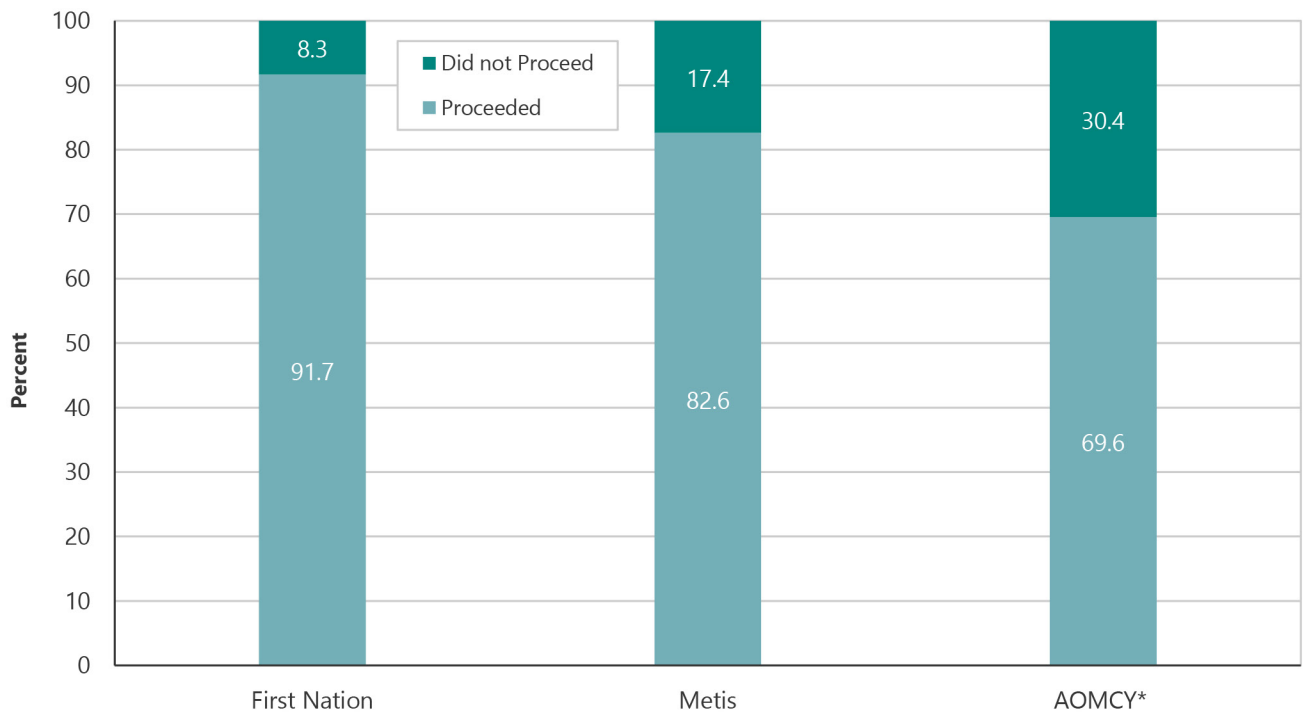


Figure 3.27: Percent of Youth Accused in the Youth Justice System Whose Charge Proceeded, by Indigenous Identity
1994 Cohort, Age 12-17



* All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Number of Charges

The 1,576 youth in the 1994 cohort charged with a crime generated a total of 23,769 charges in the youth justice system. Not only can youth be involved in multiple incidents that result in multiple charges, but in many cases, a single incident can result in multiple charges. For example, a youth may be charged for theft under \$5,000 and charged for failure to comply with conditions of probation within a single incident. In some cases the multiple charges within a single incident appear to be identical. For example, in a single incident a youth could be charged with “failure to comply with conditions of probation” three separate times. For figures 3.28 to 3.31, we counted all of these charges, even though it is likely that not all of the charges from a particular incident would proceed. For this reason, we also used a second approach of counting charges by only

counting one charge of the same charge category within the same incident. For example, for the youth charged with theft under \$5,000 (which falls under the charge category “property”) ten times for the same incident, we would only count one of the property charges; if this youth was also charged with assault two times with that incident, we would count only one assault charge. This second approach may actually undercount the real number of charges per youth. The findings from our first approach (presented below) of counting charges would result in 12 charges counted for this youth for this particular incident – the ten property charges and the two assault charges; our second approach (see Appendix Figures 1.2 – 1.7 in Appendix 1 in the online supplement) would count only two charges for this youth – one property charge and one assault charge. While the number of charges differs between the two approaches, the pattern of results is very similar.

Figure 3.28 shows that for youth who were accused of a crime, the average number of charges per person accused was 15.1. This value is highest for those who were ever in

care (22.5 charges per person accused), compared to those ever receiving services from CFS (14.1) and those with no contact with CFS (8.6).

Figure 3.28: Average Number of Charges per Accused Youth, by Child Welfare System Involvement

1994 Cohort, Age 12-17

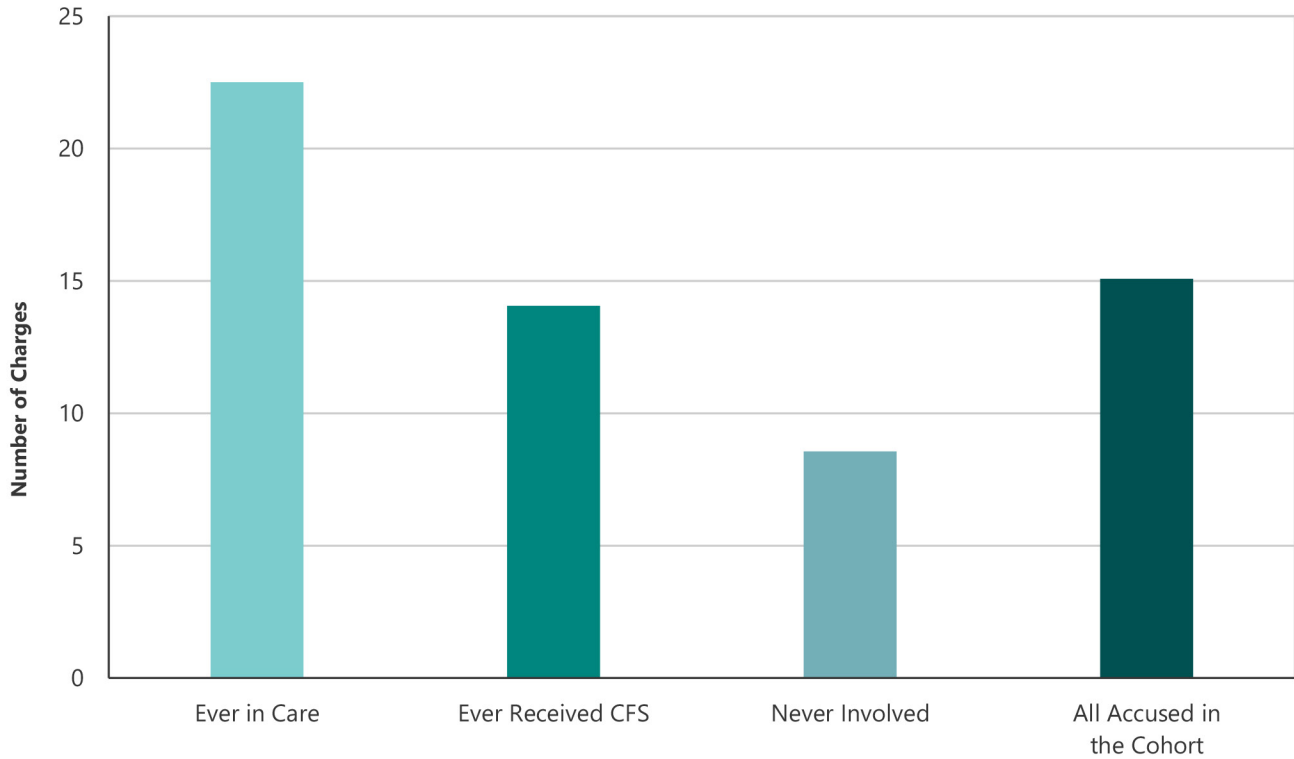
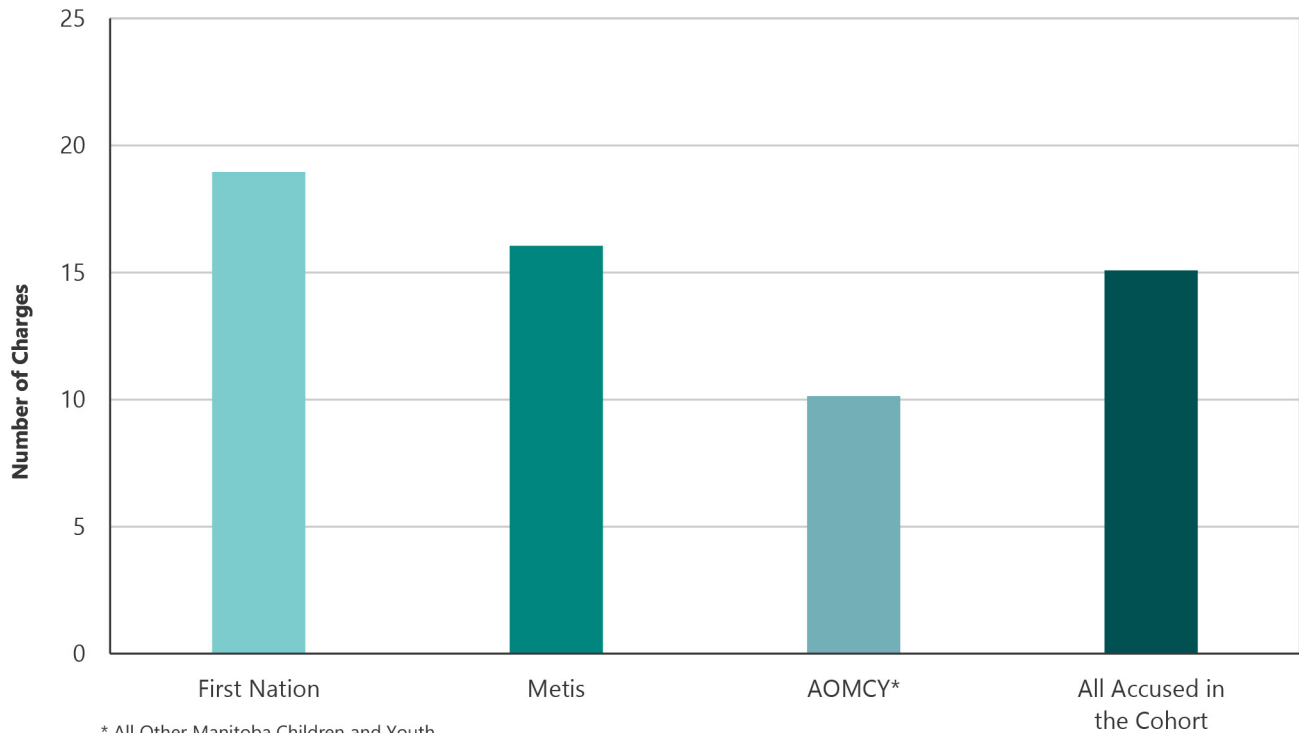


Figure 3.29 shows the average number of charges per youth accused by Indigenous identity. First Nation and Metis youth who were accused received a higher number

of charges per person (19.0 and 16.1 respectively) than all other Manitoba children and youth who were accused (10.1 charges per person).

Figure 3.29: Average Number of Charges per Accused Youth, by Indigenous Identity

1994 cohort, age 12-17



* All Other Manitoba Children and Youth

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

We can also look at average number of charges per youth in the cohort rather than focusing just on those who are accused. Looking at average number of charges per youth gives us a sense of the extent of charges at the population level. Figure 3.30 shows that among youth who had ever been in care, the average number of charges per youth

was 8.2, which is almost 25 times higher than for youth not involved in CFS (0.33 charges per person). In other words, among children who were never involved in CFS, the average is only one charge for every three youth between ages of 12-17, whereas for children who were ever in care, the average is eight charges for each youth between ages of 12-17.

Figure 3.30: Average Number of Charges per Youth, by Child Welfare System Involvement
1994 Cohort, Age 12-17

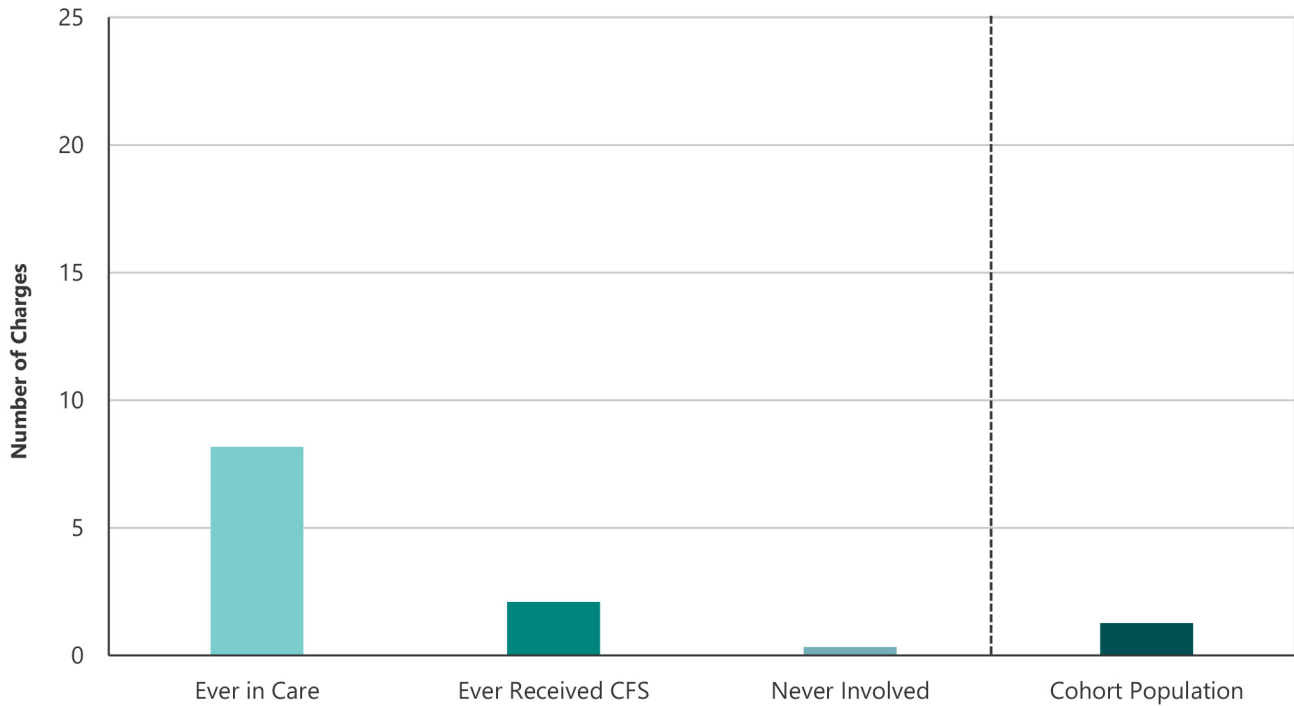
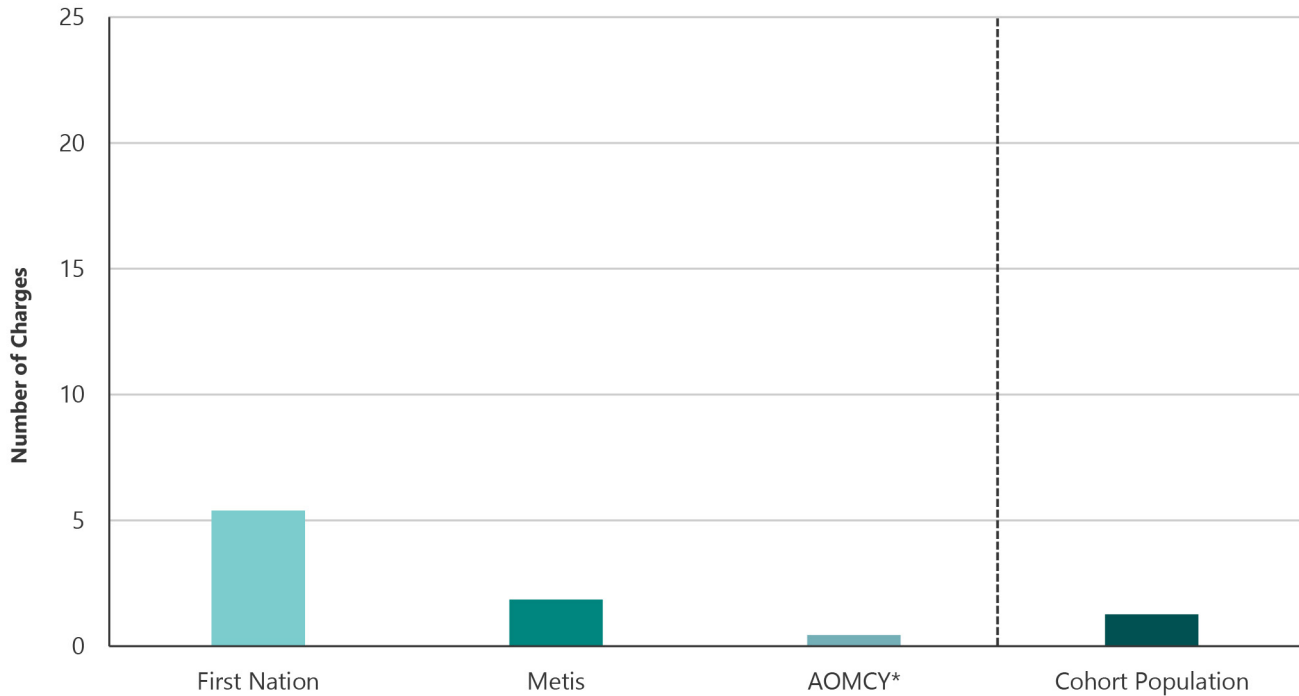


Figure 3.31 shows the average number of charges per youth by Indigenous identity. First Nation youth have the highest number of charges (5.4), followed by Metis youth (1.9), and all other Manitoba children and youth (0.44).

Figure 3.31: Average Number of Charges per Youth, by Indigenous Identity

1994 Cohort, Age 12-17



* All Other Manitoba Children and Youth

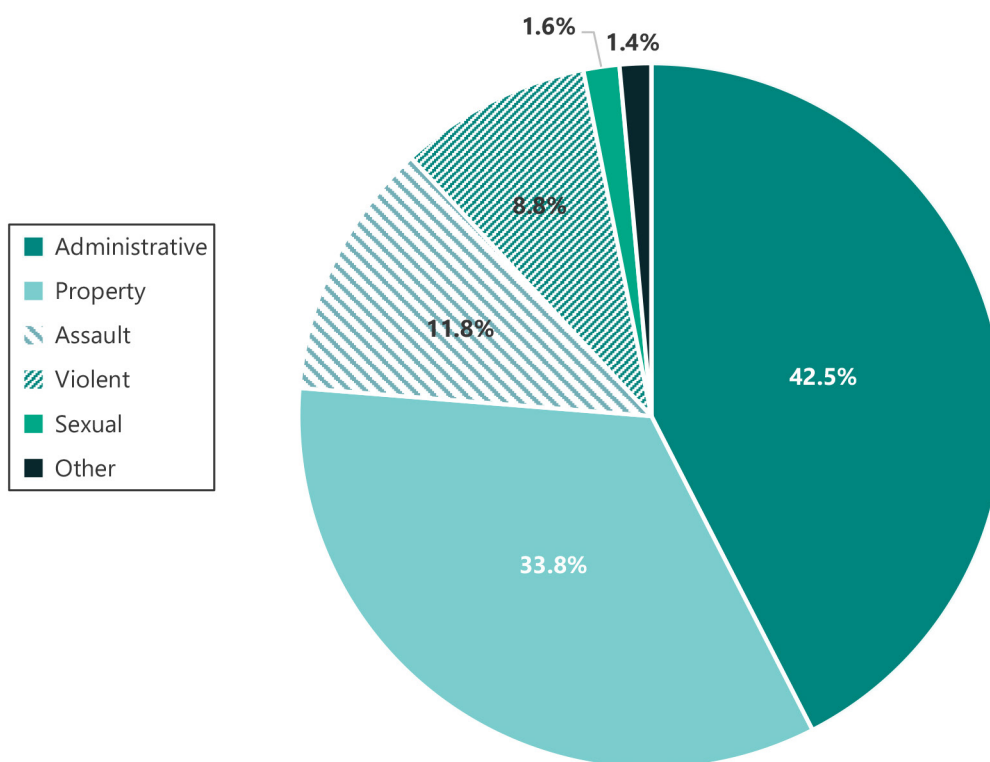
Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Charge Categories

We grouped the 23,769 criminal charges made against the youth in the 1994 cohort into 6 broad charge categories. Figure 3.32 shows the proportion of youth with charges laid against them in each of the charge categories. The most common charges were administrative charges¹⁵ (42.5%), followed by property offences (33.8%). Please note that drug charges are prosecuted by federal lawyers, and so do not appear in our analyses.

Also note that we did not include youth who were charged only in the Highway Traffic Act (HTA) category and/or Regulatory offenses category in this analysis; for this reason, these charge categories are not included in the following graphs. HTA and Regulatory offense categories comprised a relatively small percent of charges: 252 youth (1.3% of the cohort) were charged with an HTA offense (0.4% of youth ever in care, 1.4% of youth ever received CFS, and 1.4% of youth never involved with CFS); 56 youth (0.3%) were charged with regulatory offenses (0.5% of youth ever in care, 0.5% of youth ever received CFS, and 0.2% of youth never involved with CFS).

Figure 3.32: Proportion of Total Charges by Charge Category
1994 Cohort, Age 12-17



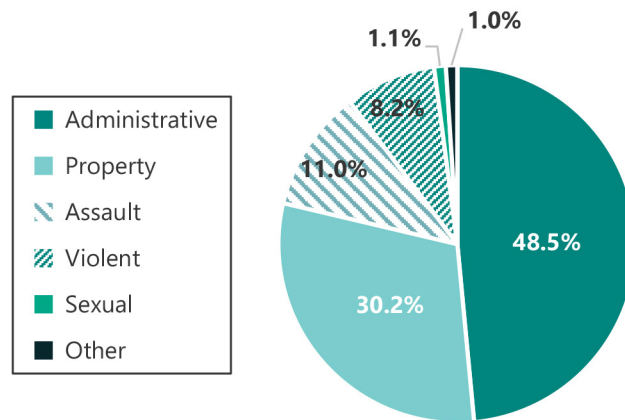
Note: "Other" includes criminal charges that do not fit into the rest of the listed categories (e.g., public mischief and obstructing justice).

¹⁵ Administrative charges occur when youth have breached the conditions of probation, conditional supervision or bail.

The patterns of charges differed across the CFS groups (Figures 3.33 and 3.34, Figure 3.35). Administrative charges accounted for almost half (48.5%) of the charges against youth who had ever been in care, 40% of the charges were against youth ever receiving CFS, and 30.3% of charges

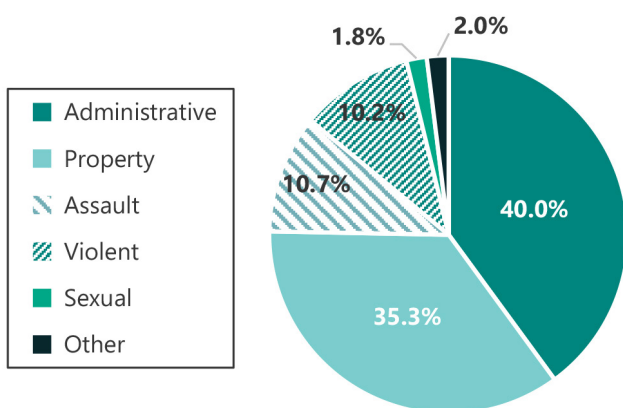
were against youth with no CFS involvement. Property offences were the largest charge category for youth with no CFS involvement at 41.1%, and accounted for 30.2% of charges against youth ever in care and 35.3% of charges against youth ever receiving CFS.

Figure 3.33: Proportion of Total Charges by Charge Category, for Youth Ever In Care
1994 Cohort, Age 12-17



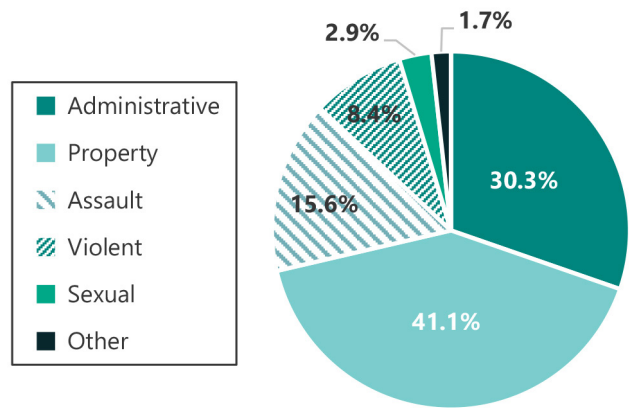
Note: “Other” includes criminal charges that do not fit into the rest of the listed categories (e.g., public mischief and obstructing justice).

Figure 3.34: Proportion of Total Charges by Charge Category, for Youth Who Ever Received Services from CFS
1994 Cohort, Age 12-17



Note: “Other” includes criminal charges that do not fit into the rest of the listed categories (e.g., public mischief and obstructing justice).

Figure 3.35: Proportion of Total Charges by Charge Category, for Youth Never Involved with Child Welfare System
1994 Cohort, Age 12-17

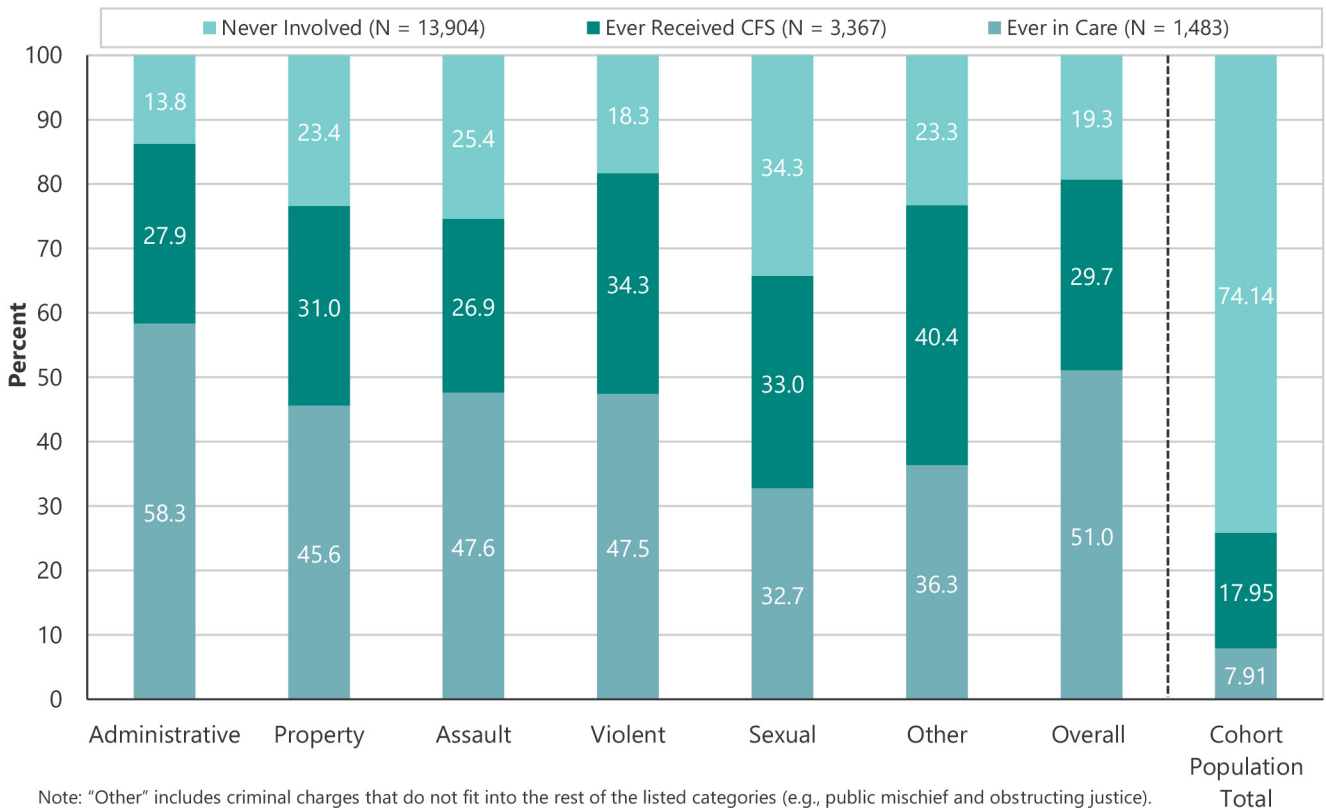


Note: “Other” includes criminal charges that do not fit into the rest of the listed categories (e.g., public mischief and obstructing justice).

Even though they account for only 7.9% of the total 1994 cohort, youth who were ever in care account for the majority of charges in the youth justice system, overall and when categorized by type of charge: of the 23,769 charges, 12,132 (51.0%) were for the ever in care group (Figure 3.36). A further 29.7% of all charges were for youth who had ever

received CFS; thus, over 80% (51.0% + 29.7%) of all charges were against youth who had some contact with CFS. The percent of charges for each charge type category that were accounted for by youth who were ever in care ranged from 32.7% for sexual offenses to 58.3% for administrative charges.

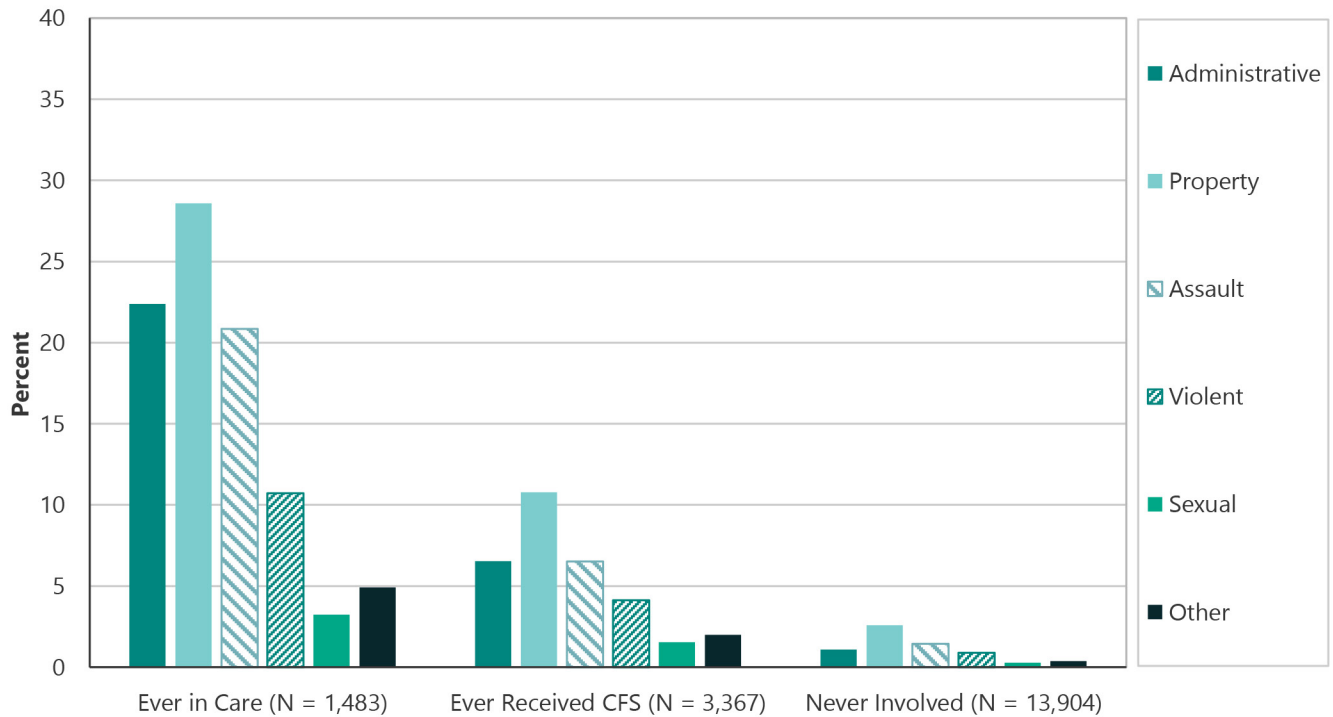
Figure 3.36: Percent of Charges by Charge Category, Disaggregated by Child Welfare System Involvement
1994 Cohort, Age 12-17



We also looked at the percent of all youth (as opposed to the percent of all charges shown in Figure 3.36) in the 1994 cohort (N=18,754) who were charged with at least one crime in each of the charge categories for each of the three CFS groups. Figure 3.37 shows that 22.4% were charged with an administrative offence; over one-quarter (28.6%) of all youth who had spent some time in care were

charged with a property offence; 20.8% were charged with assault; and 10.7% were charged with a violent offence. By comparison, for youth never involved with CFS, the corresponding values were 1.1% charged with an administrative offence, 2.6% charged with a property offence, 1.5% for assault, and 0.9% for a violent offence.

Figure 3.37: Percent of Youth Charged in the Youth Justice System by Child Welfare System Involvement and Charge Category
1994 Cohort, Age 12-17

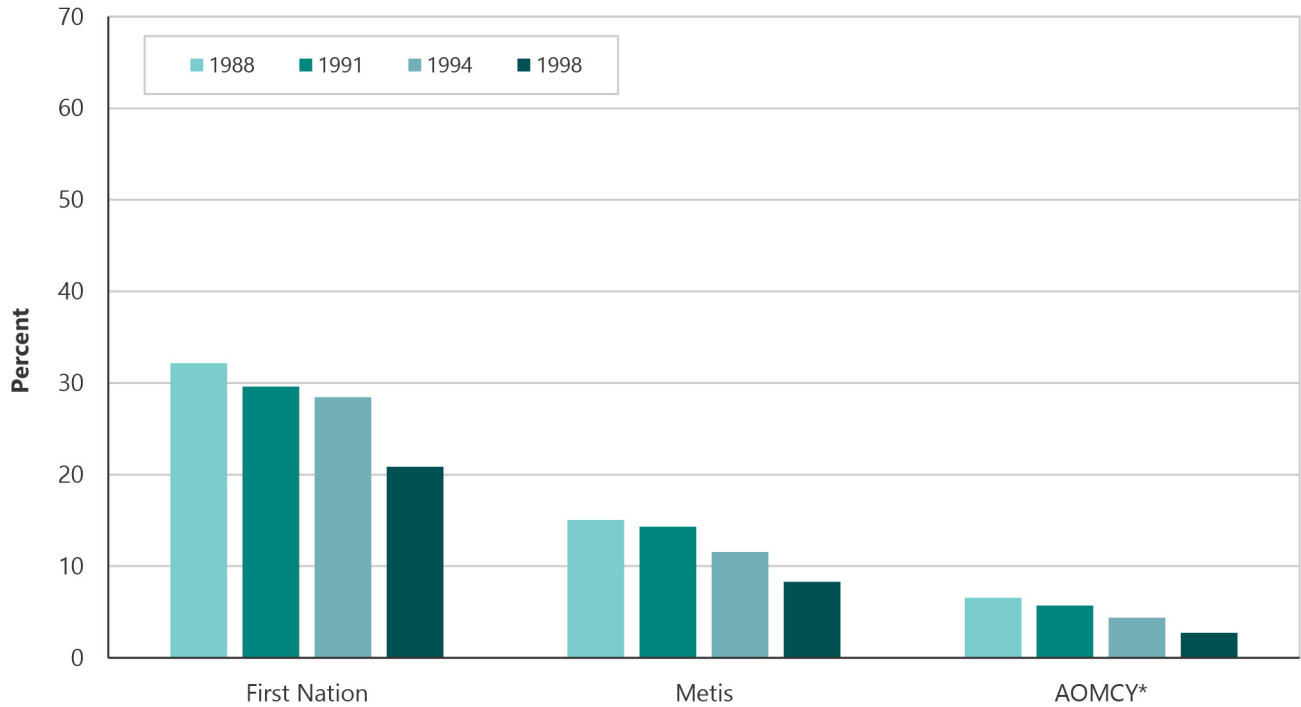


Note: “Other” includes criminal charges that do not fit into the rest of the listed categories (e.g., public mischief and obstructing justice).

Figure 3.38 uses the same information shown in Figure 3.37, but shows the actual number of accused youth age 12-17 by CFS group and charge category, rather than the percentages. Despite accounting for only 7.9% of the total cohort, youth

who were ever in care accounted for the highest number accused in five of the nine charge categories: administrative, property, assault, violent, and other.

Figure 3.38: Number of Accused Youth by Charge Category and Child Welfare System Involvement
1994 Cohort, Age 12-17



* All Other Manitoba Children and Youth

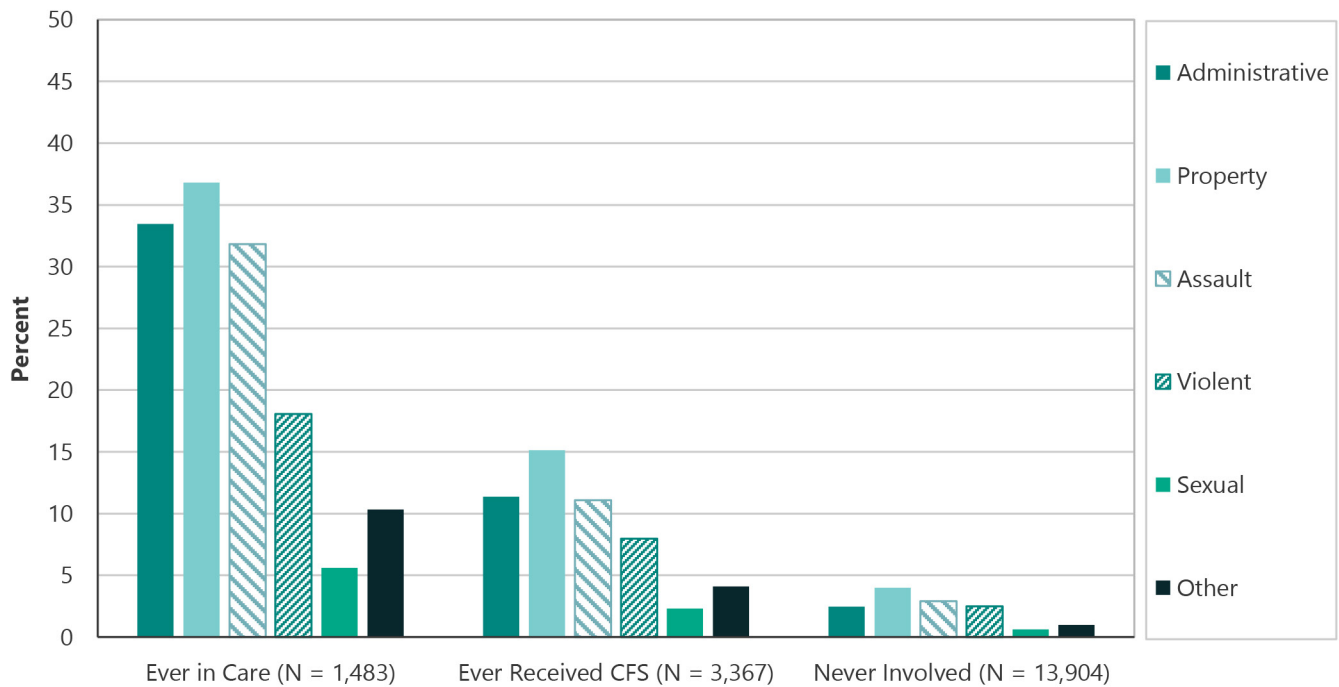
Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

In Figure 3.39, we follow the cohort to age 21 and show the percent who were charged with at least one crime in each of the charge categories for each of the three CFS groups. By age 21, 33.4% had been charged with an administrative offence, 36.8% of all the young adults who were ever in care

had been charged with a property offence, and 31.8% had been charged with an assault. The comparable statistics for young adults never involved with CFS were 4.0% for property, 2.5% for administrative, and 2.9% for assault charges.

Figure 3.39: Percent of Youth and Young Adults Charged in the Youth Justice System by Child Welfare System Involvement and Charge Category

1994 Cohort, Age 12-21

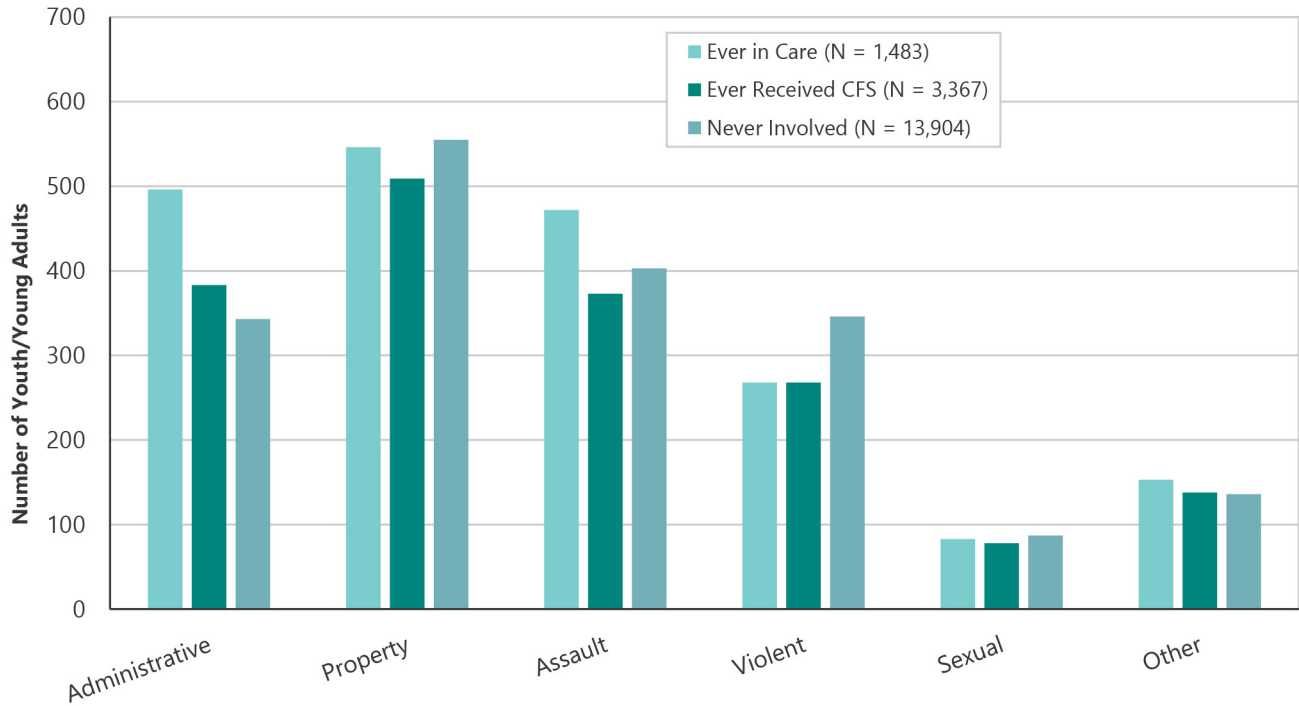


Note: “Other” includes criminal charges that do not fit into the rest of the listed categories (e.g., public mischief and obstructing justice).

Figure 3.40 uses the same information shown in Figure 3.39, but shows the actual number of accused youth and young adults (up to age 21) by CFS group and charge category. When we follow the cohort to age 21, the youth and young

adults who had ever been in care accounted for the largest number of those charged in the administrative, assault, and other charge categories..

Figure 3.40: Number of Accused Youth and Young Adults Charged in the Youth Justice System by Charge Category and Child Welfare System Involvement
1994 Cohort, Age 12-21



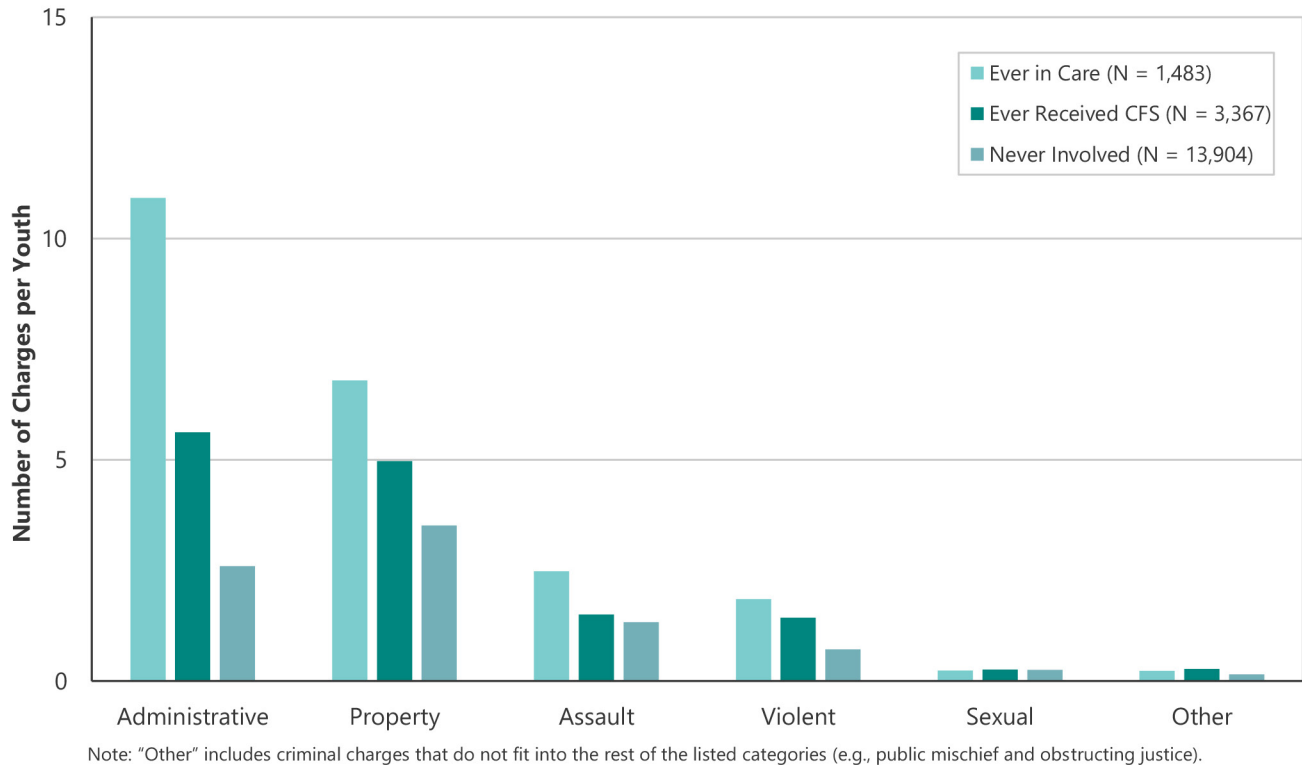
Note: "Other" includes criminal charges that do not fit into the rest of the listed categories (e.g., public mischief and obstructing justice).

Rates of Charges by Charge Category

Figure 3.41 shows the rate of charges for youth accused of a crime for each CFS group by charge category. To calculate the rate, we divided the total number of charges for each CFS group by the number of accused youth in that group. Youth with charges against them who had ever been in care

tended to have the highest rates of charges compared to the other groups. For example, youth who had ever been in care and had also been accused had on average almost 11 administrative charges each. Appendix Figure 1.8, which shows the rate of charges for each CFS group for all youth in the cohort (not just those charged), can be found in the online supplement.

Figure 3.41: Rate of Charges for Youth Justice Involvement as an Accused, by Charge Category and Child Welfare System Involvement
1994 Cohort, Age 12-17

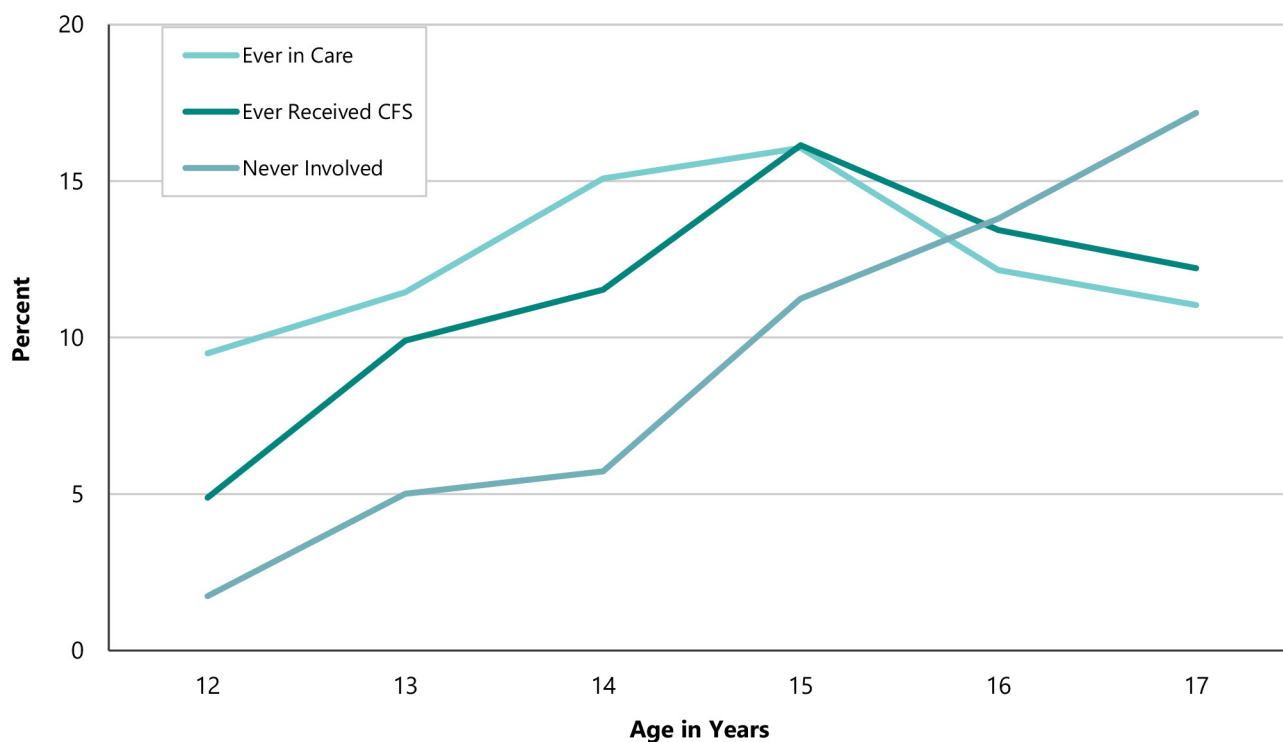


Age at First Interaction with the Youth Justice System

Figure 3.42 shows that among youth from the 1994 cohort who were accused of a crime in the youth justice system, those who had ever been in care become involved in the justice system as an accused at an earlier

age. Among youth who were ever in care and were accused of a crime, 9.5% were first charged at age 12, compared to 4.9% of accused youth ever receiving CFS, and 1.7% of accused youth with no CFS involvement. The peak age for first interaction with the youth justice system for accused youth ever in care and ever receiving CFS was age 15, whereas the peak age of first interaction for accused youth with no CFS involvement was age 17.

Figure 3.42: Age of First Involvement in the Youth Justice System as an Accused, by Child Welfare System Involvement
1994 Cohort, Age 12-17



Chapter 4:

Statistical Modeling to Identify Predictors of Youth Criminal Justice System Involvement

Our study's second objective was to identify child characteristics associated with involvement with the youth criminal justice system. This chapter presents findings from statistical models designed to address this objective. We also conducted separate statistical models to identify child characteristics associated with involvement in either the child welfare system or the youth criminal justice system or both.

Methods

We were interested in predictors¹⁶ of two sets of outcomes:

1. Predictors of youth being charged with a crime
2. Predictors of being a cross-over kid, i.e., being a youth involved with either the child welfare system, the youth criminal justice system, or both systems.

We first describe our outcomes of interest, and then give an overview of the predictors that we examined. Finally, we provide a high-level description of the statistical models we used to address the two objectives above.

Outcome Variables

Youth Charged with Criminal Offenses

Charged with Any Type of Criminal Offense: Youth with a recorded incident in the PRISM database whose involvement type fell into one of the charge categories listed in Table 2.2 (Chapter 2) were classified as being charged with 'any criminal offense.' We excluded from this category youth whose ONLY charge was for Highway Traffic Act or regulatory offenses (e.g., trespassing on school property; fishing without a license), since most people would not consider these offenses "criminal." Data from PRISM were used to create two complementary variables:

1. A binary variable identifying youth charged with a criminal offense and youth not charged with a criminal offense
2. For youth with a criminal offense, a variable identifying the date when the offense occurred.

¹⁶ When we use the term predictor, we mean factors that meet two criteria: (1) they have a statistically significant relationship with an outcome, and (2) they occur before the outcome in question.

Charged with a Violent Offense: Any youth whose charge fell into the assault, violent or sexual charge categories was identified as charged with a violent offense. As with ‘any criminal offense,’ data from PRISM were used to create two complementary variables:

1. A binary variable identifying youth charged with a violent offense and youth not charged with a violent offense
2. For youth with a violent offense, a variable identifying the date when the offense occurred.

Overlap Between the Child Welfare and Youth Criminal Justice Systems

The second set of outcome variables focused on the overlap between the child welfare and youth justice systems. We constructed seven mutually exclusive groups of children that reflected different possible types of overlap between the two systems:

1. Youth who received services from CFS and were not charged with a crime before age 18
2. Youth who had been in care and were not charged with a crime before age 18
3. Youth who were charged with a crime before age 18 and did not receive services from CFS, nor were they ever in care
4. Youth who received services from CFS and were subsequently charged with a crime before age 18
5. Youth who had been in care and were subsequently charged with a crime before age 18
6. Youth who were charged with a crime before age 18 and subsequently had some contact with CFS (either received services or were taken into care)
7. Youth who did not receive services from CFS, did not go into care, and were not charged with a crime before age 18. *This group served as our reference group.*

Note that in these groups, for the purposes of identifying predictors of the overlap, if a child received services from CFS and subsequently went into care, they were considered as “ever in care” for the overlap analyses.

Predictor Variables

Our research objectives are to identify predictors of youth being charged with a crime and predictors of the overlap between involvement with the child welfare and the justice systems.

Aspects of CFS Involvement: To examine whether CFS involvement was associated with an increased risk for being charged with a criminal offense as a youth, we created three groups of children:

1. Ever in care
2. Ever received services from CFS
3. Never involved with CFS – did not receive services and were never in care.

For children who were ever in care, we examined the following aspects of how being in care might be related to a child being charged with a criminal offense:

- Is the length of time spent in care associated with being charged with a criminal offense?
- Are children with a greater number of episodes of care at greater risk of being charged with a crime?
- Does the risk of being charged with a crime vary by type of placement?

Table 4.1 provides details on each of the child welfare variables for children in care that we considered predictors for being charged with a crime.

Table 4.1: Child Welfare Variables

Variable	Definition
Length of Episode of Care	Episode of care refers to the amount of time that a child is in care of CFS. If a child leaves CFS care and then re-enters within seven days, it is considered one episode.
Number of Episodes	The number of episodes of care during a specified follow-up period. Each episode is at least one day long, and episodes of care are at least seven days apart.
Number of Placements	The number of different placements within each episode of care.
Placement Type	The type of care in which the child was placed <ul style="list-style-type: none"> • Foster home • Foster home – specialized • Kinship care • Place of safety • Unknown • Other (e.g., Group Home, Independent Living, Select Adoption Probation)
Legal Status	Legal standing of the child with regards to the rest of the community <ul style="list-style-type: none"> • Temporary ward • Permanent ward • Apprehension • Voluntary placement agreement • Petition filed for further order • Missing
Reason for Admission	Reason for the child entering care of Child and Family Services <ul style="list-style-type: none"> • Abandonment • Desertion • Conditions of child • Conditions of parents • Conduct of child • Conduct of parents • Voluntary relinquishment • Transfer supervision
Support Beyond Termination of Guardianship	An agency continues to provide care and maintenance for a former permanent ward for the purpose of assisting the ward to complete the transition to independence, between age 18-21.

Year of Birth: We divided the analytic sample into 6 birth cohorts starting in 1991, 1994, 1995, 1996, 1997, and 1998. The year 1991 served as the reference birth cohort for the analyses in this chapter. We compared the outcomes of children born in 1991 with children born in subsequent years to examine changes over time.

Sex: We identified each child's biological sex (male or female) using data from the Manitoba Health Insurance Registry. Females served as the reference group.

Indigenous Identity: The Manitoba First Nations Research File and the Metis Registry provided information on youth Indigenous identity. As mentioned in Chapter 2, there is currently no way of identifying Inuit children in the Repository, and the Manitoba First Nations Research File does not contain information on non-registered First Nation people. Thus we grouped children into First Nation, Metis, or all other Manitoba children and youth.

We would however like to emphasize that *Indigenous identity in and of itself is not a risk factor*, nor are Indigenous people inherently vulnerable. The over-representation of Indigenous young people in the child welfare system and the youth justice system is a direct result of centuries of colonial policies and practices, structural and institutionalized racism, and intergenerational trauma. The results presented in Chapters 3 and 4 of this report reflect the enduring legacy of oppressive systems like the residential schools and there continues to be disenfranchisement of and ongoing colonial practices enacted upon Indigenous people.

We included Indigenous identity in the statistical models as a proxy for these historical and ongoing structural and societal factors, not as an individual-level risk factor. We include in each figure a footnote to remind the reader of this intent.

Income Quintile: We determined average household income for each postal code using data from the Canadian Census. Postal codes were sorted from highest to lowest average income, and divided into five groups of equal size – five quintiles, each containing 20% of the population. We then assigned children and youth to the appropriate income quintile based on the postal code where they were living when their insurance coverage with Manitoba Health commenced. For many children and youth, coverage began at their date of birth. For others, coverage began 3 months after they moved to the province. Income quintiles are labeled as Quintile 1 (Q1, contains the postal codes with the lowest average incomes) to Quintile 5 (Q5, contains the postal codes with the highest incomes).

Diagnosed Mental Disorder: We determined whether or not the child had ever received a diagnosis for a mental disorder¹⁷ using data from the Medical Claims Database, the Hospital Discharge Abstracts Database and the Drug Program Information Network Database. For technical definitions of these disorders please see Appendix 2 in the online supplement.

Models

Predictors of Being Charged with a Crime

We considered criminal charges in two ways:

1. The child was charged with a criminal offense
2. The child was charged with a violent offense.

Predictors of Being Charged with a Crime

We considered all youth in Manitoba to have a chance of being charged with a crime at any point between age 12-17. We followed youth in the cohort from age 12 or from the date they moved to Manitoba (if they moved to Manitoba after turning 12), until they had their first criminal charge, left the province or were lost to follow up for any other reason (e.g., death).

Many youth in our sample were not charged with a crime. We followed these youth until they turned 18 years old, they moved out of Manitoba (before age 18), or they died (before age 18).

The statistical model we constructed for this analysis is called a “time-to-event” model (in this case, it is technically a time-to-first-criminal-charge model. This model allows us to account for the fact that some youth lived in Manitoba longer than other youth.

We added the following predictor variables to the model to identify factors associated with youth being charged with a crime:

- CFS Involvement – ever in care, ever received services from CFS, or no involvement with CFS
- Birth Year
- Sex
- Income Quintile
- Indigenous Identity
- Urbanicity (whether or not the child lived in Winnipeg)
- Mental Disorder Diagnosis

Because a child’s involvement with the child welfare system can change over time, we allowed CFS involvement to change over time.

Time-to-event models produce hazard ratios, which quantify the risk of an event associated with a predictor. In this case, the hazard ratios measure the risk of being charged with a crime. A hazard ratio greater than 1 means that the predictor in question is associated with an increased risk of being charged. A hazard ratio less than 1 means that the predictor is associated with decreased risk of being charged.

We also wanted to know whether the strength of the predictors varied for different sub-populations. For example, how strong was the relationship between *being in care* and *being charged with a crime* among First Nation youth? Among Metis youth? Among youth who were non-registered First Nation, Inuit, or non-Indigenous?

¹⁷ ADHD, conduct disorder, mood and anxiety disorder, psychotic disorder and/or substance use disorder.

In order to address these questions, we included the following interaction terms in our time-to-event model:

- Indigenous Identity by CFS involvement
- Indigenous Identity by Income Quintile.

The models that included these interaction variables tested whether the strength of the predictors differed between groups, and can be found in Appendix 3 in the online supplement.

Predictors of Being Charged with a Violent Offense

We used a similar approach as described above to identify predictors of *being charged with a violent offense*, but only looked at charges in the assault, violent or sexual charge categories.

Predictors of Children Who Had Been in Care Being Charged with a Criminal or Violent Offense

We narrowed the cohort to children and youth who had ever been in care, and looked at predictors of being charged with a criminal offense and predictors of being charged with a violent offense in two separate models that included the set of child welfare variables listed in Table 4.1.

Predictors of the Overlap Between the Child Welfare and Youth Criminal Justice Systems

As described in the section “Overlap Between the Child Welfare and Youth Criminal Justice Systems,” we constructed seven mutually exclusive groups of youth that reflected different types of overlap between the two systems.

The outcome variable was the group to which the child belonged (among those seven groups). We constructed a multinomial logistic regression model to test for significant predictors of being in a particular group. Group 7 – youth who had no contact with CFS, and were not charged with a crime – served as the reference group. Multinomial logistic regression quantifies the odds of being in each group compared with being in the reference group.

The multinomial logistic regression model generated six sets of relative odds:

1. The odds of receiving services from CFS with no criminal charge vs. having no contact with CFS and not being charged with a crime;
2. The odds of ever being in care and not being charged with a crime vs. having no contact with CFS and not being charged with a crime;
3. The odds of being charged with a crime and having no contact with CFS vs. having no contact with CFS and not being charged with a crime;
4. The odds of receiving services from CFS and subsequently being charged with a crime vs. having no contact with CFS and not being charged with a crime;
5. The odds of ever being in care and subsequently being charged with a crime vs. having no contact with CFS and not being charged with a crime;
6. The odds of being charged with a crime and subsequently having contact with CFS (either by receiving services or being taken into care) vs. having no contact with CFS and not being charged with a crime.

We added the following predictors to this multinomial logistic regression model:

- Year of Birth
- Sex
- Income Quintile
- Indigenous Identity

Results

Characteristics Associated with Being Charged with a Crime

In this section, we present results from time-to-event models that identify child characteristics associated with the risk of being charged with a crime.

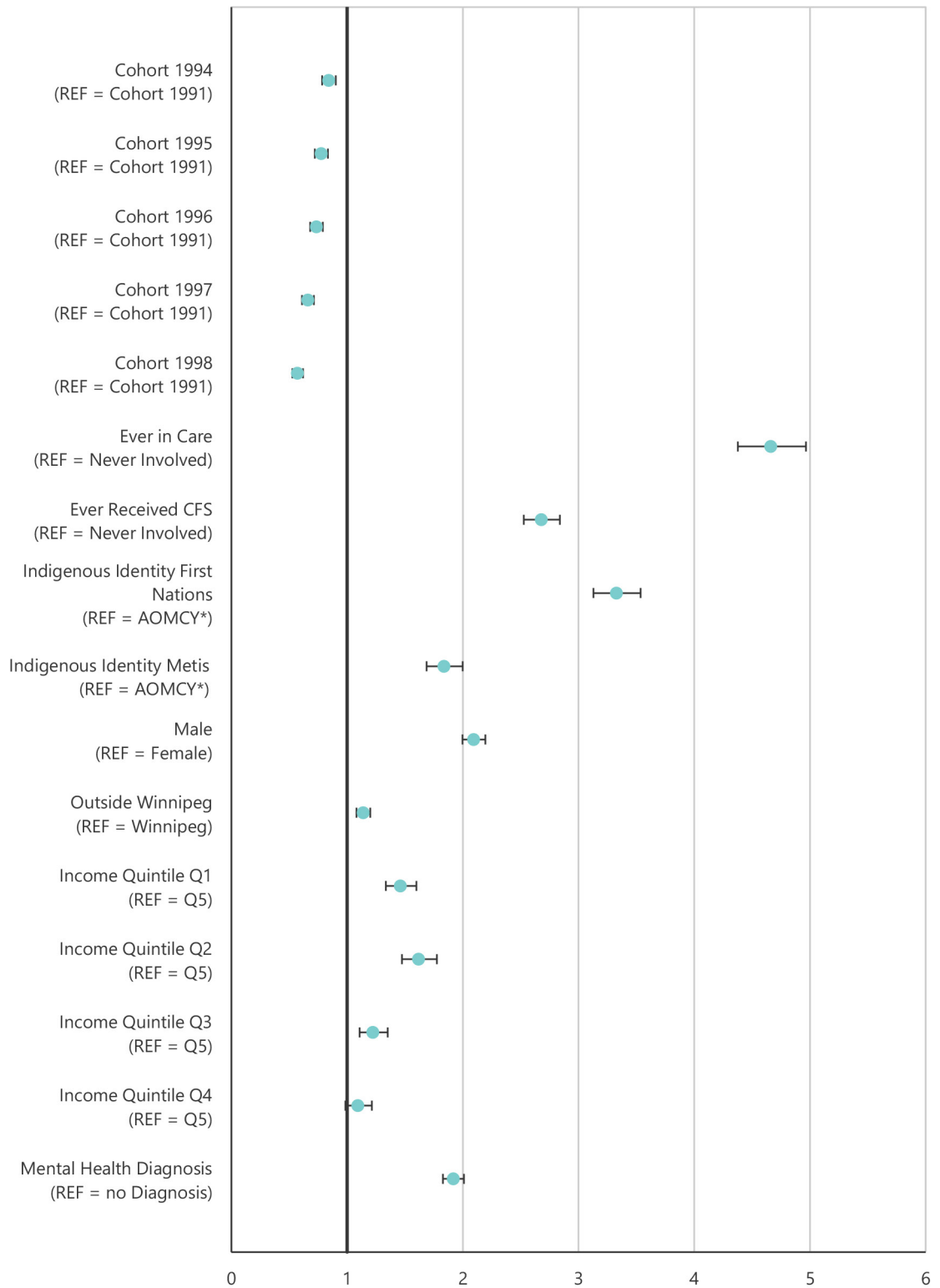
In each graph that follows, a vertical line at the number 1.0 divides the figure into two zones. The hazard ratios for the characteristics are represented as dots with two horizontal “whiskers” that represent the 95% confidence interval. Where a dot and its whiskers are in the right-hand zone, the characteristic is associated with *increased risk* of being charged compared to its reference group. Where a dot and its whiskers are in the left-hand zone, the characteristic is associated with *decreased risk* of being charged compared to its reference group. The further away from the vertical line the dot is, the stronger the relationship. However, if the dot or whiskers overlap or cross the vertical line at 1.0, there is no statistically significant difference in the risk of being charged between the two groups being compared.

Characteristics Associated with Being Charged with Any Type of Criminal Offense

Figure 4.1 shows predictors of youth being charged with any type of crime. For birth cohorts starting in 1994, 1995, 1996, 1997, and 1998, the risk of being charged with a crime was lower compared with children born in 1991. Having ever been in care of CFS was the strongest predictor of being charged with a crime among the characteristics we measured. Children who had ever been in care had 4.7 times the risk of being charged with a crime as a youth compared with children who were never involved with CFS. Children who ever received services from CFS had 2.7 times the risk of being charged as a youth compared to those never involved with CFS. First Nation children had 3.3 times the risk of being charged with a crime as a youth compared with all other Manitoba children and youth; and Metis children had 1.8 times the risk when compared with all other Manitoba children and youth. Other risk factors significantly associated with being charged with a crime as a youth included being male (vs female), living outside Winnipeg (vs living in Winnipeg), being from a low income neighborhood (vs being from a Q5 or high income neighborhood), and having a mental disorder diagnosis (vs not being diagnosed with a mental disorder).

Figure 4.1: Characteristics Associated with the Risk of Being Charged with a Crime

Hazard Ratio Estimates and 95% Confidence Intervals



* All Other Manitoba Children and Youth

Note: REF means Reference Group

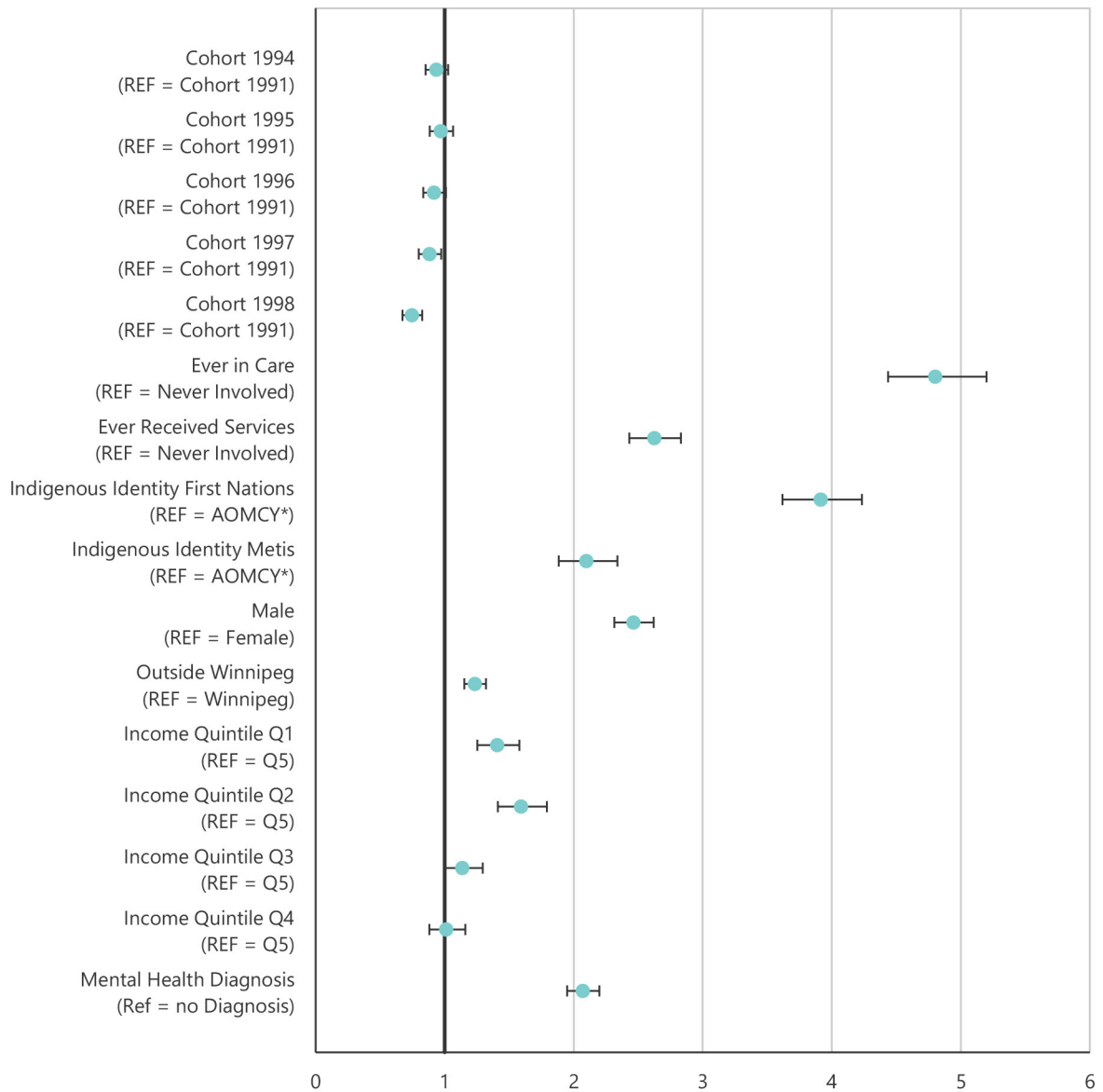
Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Characteristics Associated with Being Charged with a Violent Offense

Figure 4.2 presents predictors of youth being charged with a violent offense, which includes assault, violent and sexual charges. Children born in 1998 had a lower risk of being charged with a violent offense compared with children born in 1991. Children who were ever in care had 4.8 times the risk of being charged for a violent offense as youth compared with children without any CFS contact; and

children who ever received services from CFS had 2.6 times the risk compared with children without any CFS contact. Males were at higher risk of being charged with a violent offense compared with females, and children living in lower income neighborhoods were at higher risk of being charged compared with children living in Q5 neighborhoods. First Nation and Metis children were at higher risk of being charged with a violent offense compared with all other Manitoba children and youth.

Figure 4.2: Characteristics Associated with the Risk of Being Charged with a Violent Offense
Hazard Ratio Estimates and 95% Confidence Intervals



* All Other Manitoba Children and Youth

Note: REF means Reference Group

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Among Children in Care: Characteristics Associated with Being Charged with a Crime

The previous two analyses were conducted in the entire cohort of children and youth. This next analysis looks at the same outcomes but narrows the cohort to only children who were ever in care. We excluded children who went into care *after* their first charge.

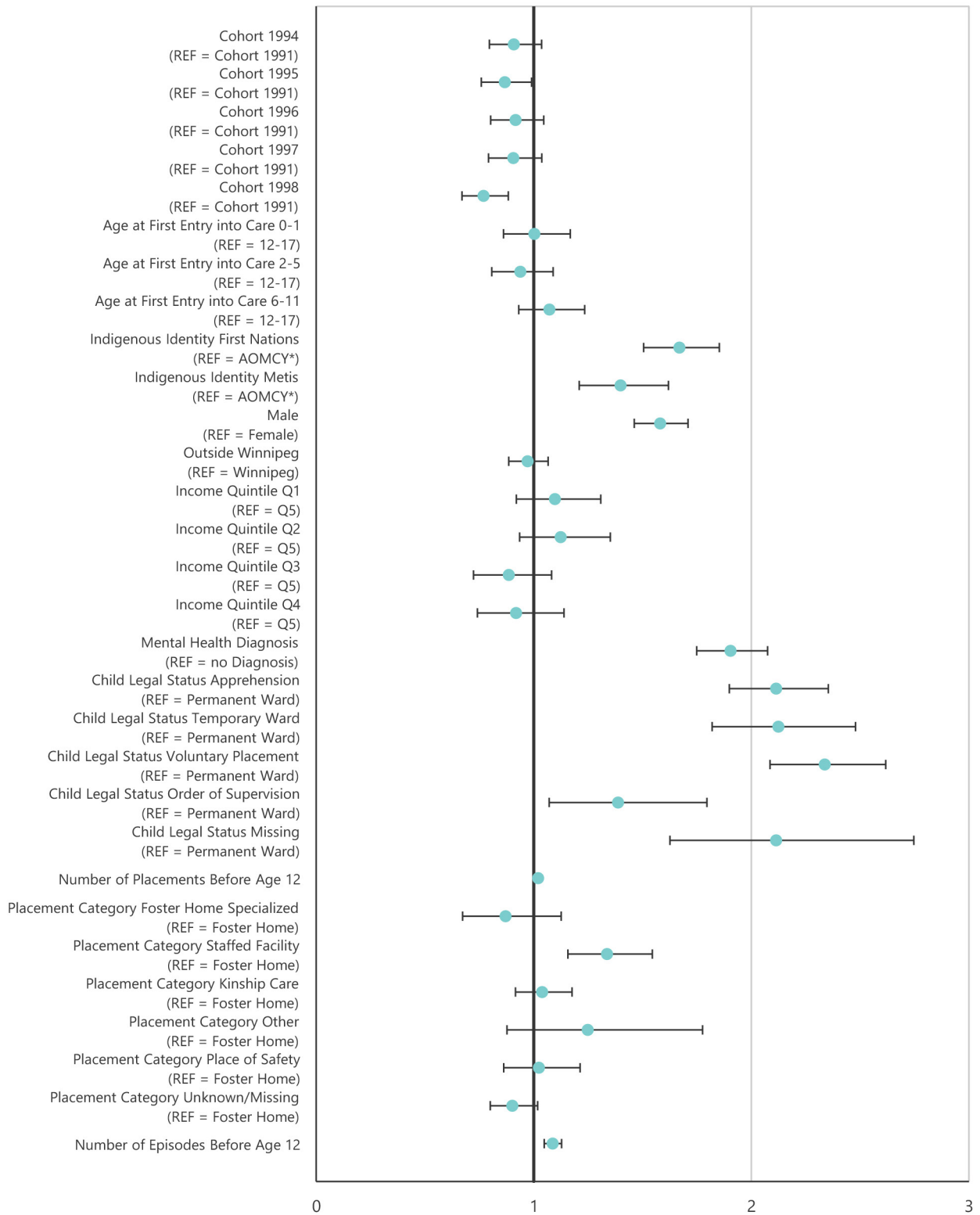
Children from the 1998 birth cohort who had ever been in care had a lower risk of being charged with a crime compared with children from the 1991 birth cohort (Figure 4.3).

We considered how aspects of having been in care related to a child's risk of being charged with a crime. We examined whether the child's legal status (permanent ward, temporary ward, apprehension, in voluntary placement, had a petition filed for further order, or missing) was related to a child's risk for being charged. Permanent ward legal status was the reference group; each of the other legal

statuses were associated with an increased risk of the child being charged with a criminal offense compared with being a permanent ward. As the number of placements in which a child had been placed increased, so too did their risk of being charged. There was a similar relationship between number of episodes in care and risk of being charged. When we considered the type of placement, we saw that being in a staffed group home was associated with increased risk of being charged compared with children placed in a home with foster parents.

First Nation and Metis children who had been in care both had higher risk of being charged compared with all other Manitoba children who had been in care. Male children who had been in care had an increased risk of being charged compared with females. And children who had been in care and who had a diagnosis for a mental disorder had increased risk of being charged compared with children without a mental disorder diagnosis. It was interesting to note that age at first entry into care was not a significant predictor of being charged.

Figure 4.3: Characteristics Associated with the Risk of Being Charged with a Crime Among Children in Care
Hazard Ratio Estimates and 95% Confidence Intervals



* All Other Manitoba Children and Youth

Note: REF means Reference Group

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

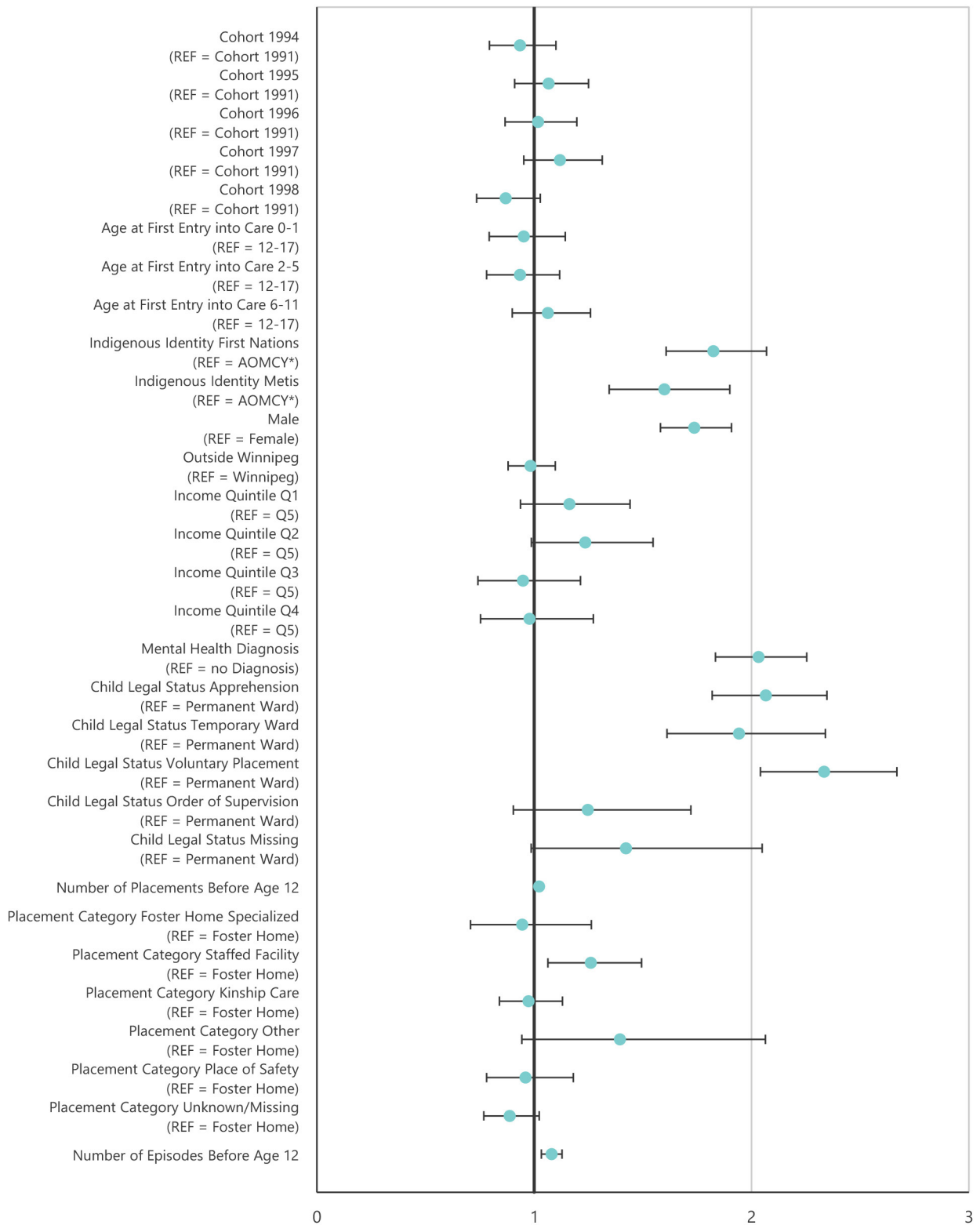
Among Children in Care: Characteristics Associated with Being Charged with a Violent Offense

Figure 4.4 shows characteristics associated with being charged with a violent crime among children who had been in care. Children whose legal status was as temporary wards, apprehension or voluntary placement had a higher risk of being charged with a violent crime compared with children who were permanent wards. The number of placements and the number of episodes were associated with increased risk of being charged with a violent crime. Being in a staffed group home was also associated with an increased risk of

being charged with a violent crime among children who had been in care compared with living with foster parents.

First Nation and Metis children who had been in care had a higher risk of being charged with a violent crime compared with all other Manitoba children who had been in care. Likewise, males who had been in care had a higher risk of being charged with a violent crime compared with females who had been in care. Children who had been in care and who had a mental disorder diagnosis likewise had a higher risk of being charged with a violent crime compared with children who had been in care but did not have a mental disorder diagnosis.

Figure 4.4: Characteristics Associated with Being Charged with a Violent Offense Among Children in Care
 Hazard Ratio Estimates and 95% Confidence Intervals



* All Other Manitoba Children and Youth
 Note: REF means Reference Group
 Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Characteristics Associated with Overlapping Involvement in the Child Welfare and Youth Criminal Justice Systems

We used multivariable models (multinomial logistic regression, which generates odds ratios) to identify characteristics that were associated with overlapping involvement in the child welfare system and the youth justice system.

We considered seven possible groups with different combinations of involvement in one or both systems:

1. Youth who received services from CFS and were not charged with a crime before age 18
2. Youth who had been in care and were not charged with a crime before age 18
3. Youth who were charged with a crime before age 18 and did not receive services from CFS, nor were they ever in care
4. Youth who received services from CFS and were subsequently charged with a crime before age 18
5. Youth who had been in care and were subsequently charged with a crime before age 18
6. Youth who were charged with a crime before age 18 and subsequently had some contact with CFS (either received services or were taken into care)
7. Youth who did not receive services from CFS, did not go into care, and were not charged with a crime before age 18. *This group served as our reference group.*

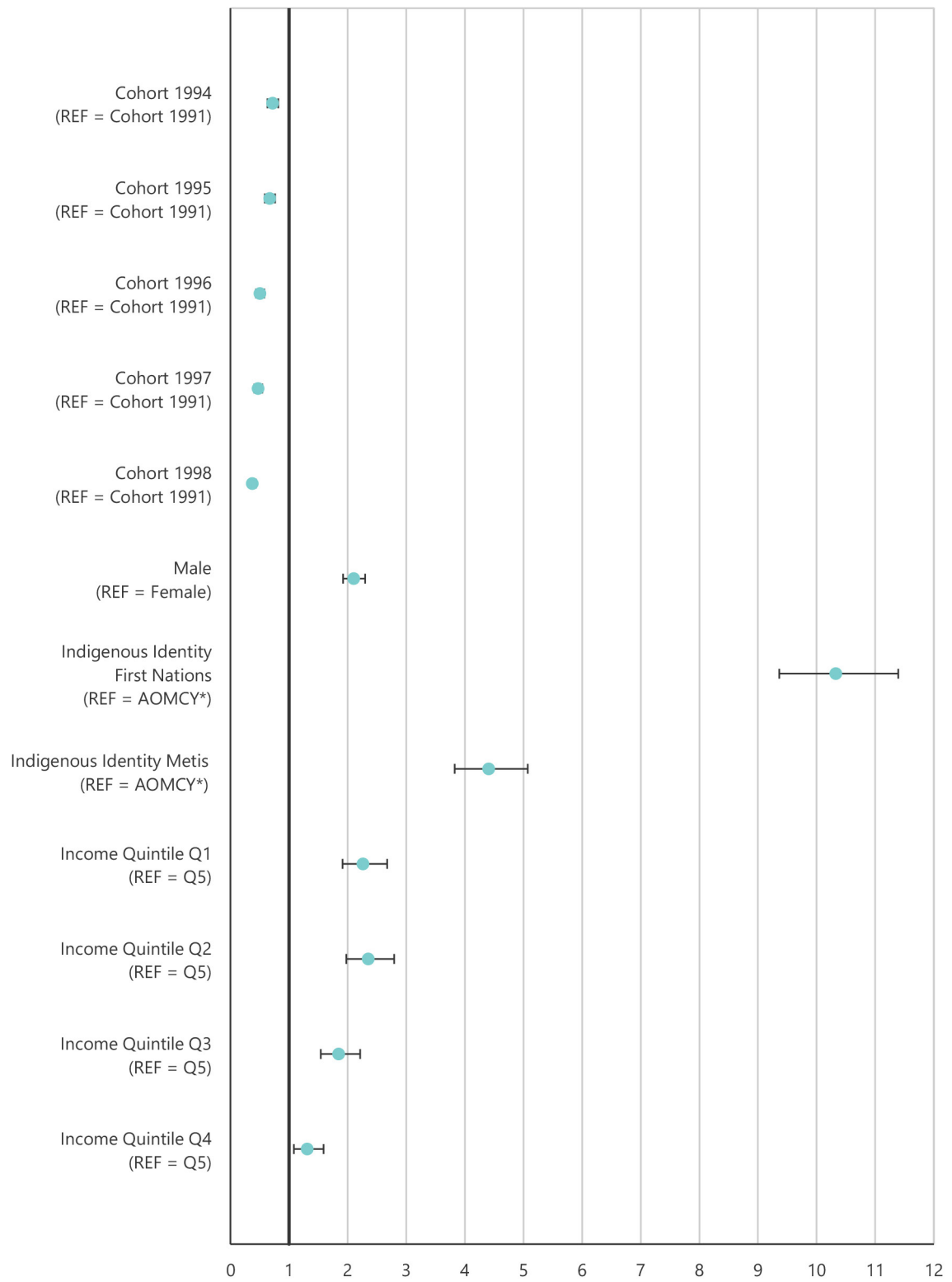
Following, we describe the results for the comparisons between groups that had any child welfare involvement and the reference group (i.e., Group 4 vs 7, Group 5 vs 7, and Group 6 vs 7). Results for the other comparisons can be found in Appendix 3 in the online supplement.

The Young Offenders Act being replaced by the Youth Criminal Justice Act in 2003 [28] and the various amendments to the Child and Family Services Act that have occurred in the intervening years may have had some effect on the involvement of young people in both systems over the period of this study [45–47]. In our analysis, we tested whether the changes to CFS involvement that occurred over time varied across different populations.

Characteristics Associated with Receiving CFS and Subsequently Being Charged with a Crime vs. No Involvement with CFS or the Youth Criminal Justice System (Group 4 vs Group 7)

Figure 4.5 shows the relationship between children's characteristics and the odds of being in Group 4. *Group 4 comprises youth who received services from CFS and were subsequently charged with a crime before age 18.* Children born in later years (1995, 1996, 1997, 1998) had lower odds of receiving services from CFS and subsequently being charged with a crime compared with the 1991 birth cohort. Males had higher odds than females of being in Group 4. There was a stronger economic gradient for this comparison than we saw in previous comparisons – here, children born to women living in low income neighbourhoods had higher odds of receiving services from CFS and subsequently being charged with a crime than children born to women in high income neighbourhoods. Among all the characteristics we tested, Indigenous identity was the strongest predictor of a child ending up in Group 4. First Nation children had more than 10 times the odds of being in Group 4, Metis children had more than 4 times the odds, compared with all other Manitoba children.

Figure 4.5: Characteristics Associated with Receiving Services from CFS and Subsequently Being Charged with a Crime
 Odds Ratio Estimates and 95% Confidence Intervals for Receiving Services from CFS and Being Charged with a Crime



* All Other Manitoba Children and Youth

Note: REF means Reference Group

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Figure 4.6 shows changes over time in the odds of being in Group 4, that is, of receiving services from CFS and subsequently being charged with a crime, by sex. The results for males are presented in the upper panel (Panel A), and the results for females are in the lower panel (Panel B).

For both males and females, the odds of being in Group 4 declined over time compared with the 1991 reference birth cohort. However, the decline was greater amongst females than amongst males.

Figure 4.6: Changes Over Time in the Odds of Receiving Services from CFS and Subsequently Being Charged with a Crime, by Sex
Odds Ratio Estimates and 95% Confidence Intervals for Receiving Services from CFS and Being Charged with a Crime

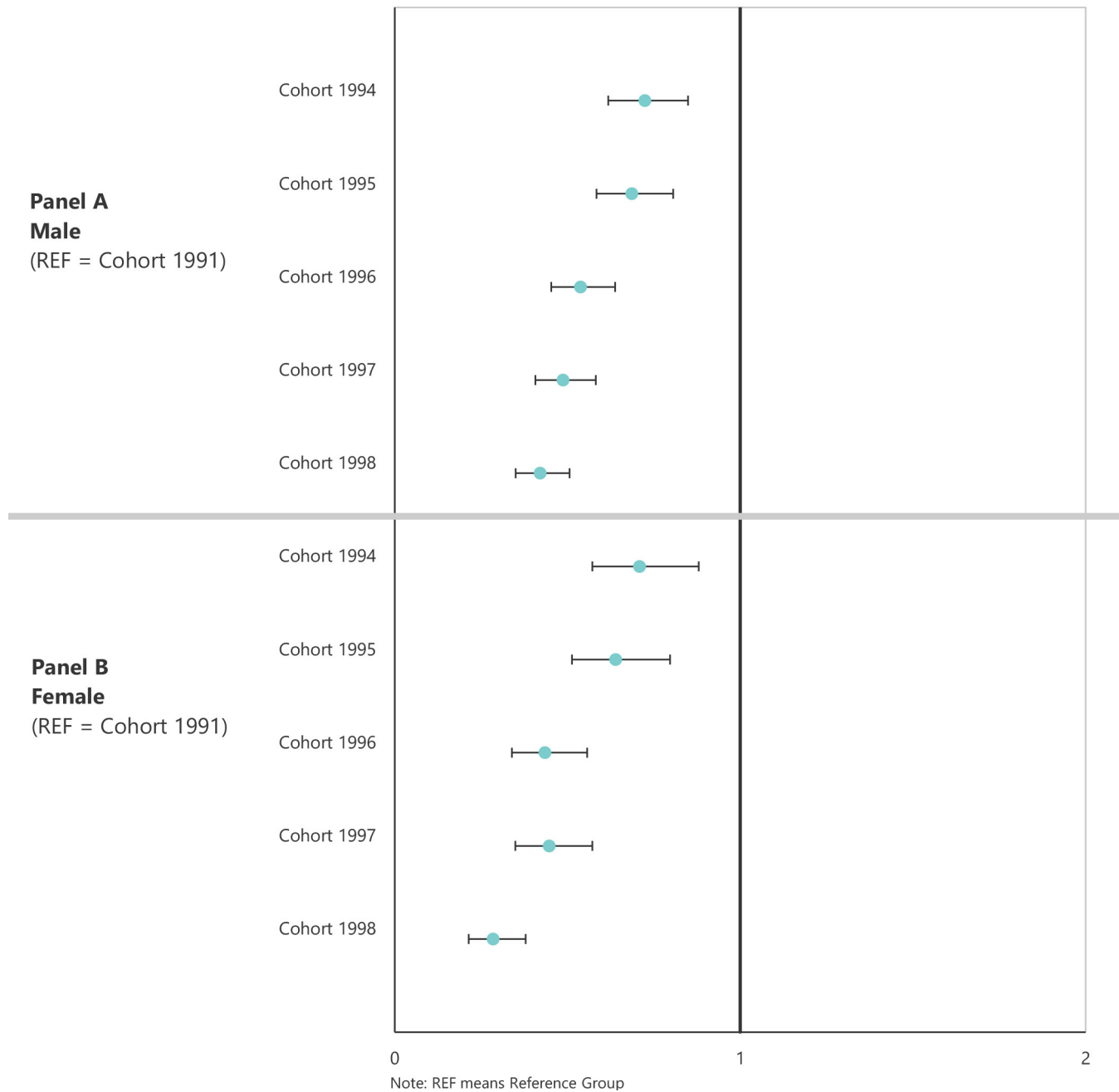
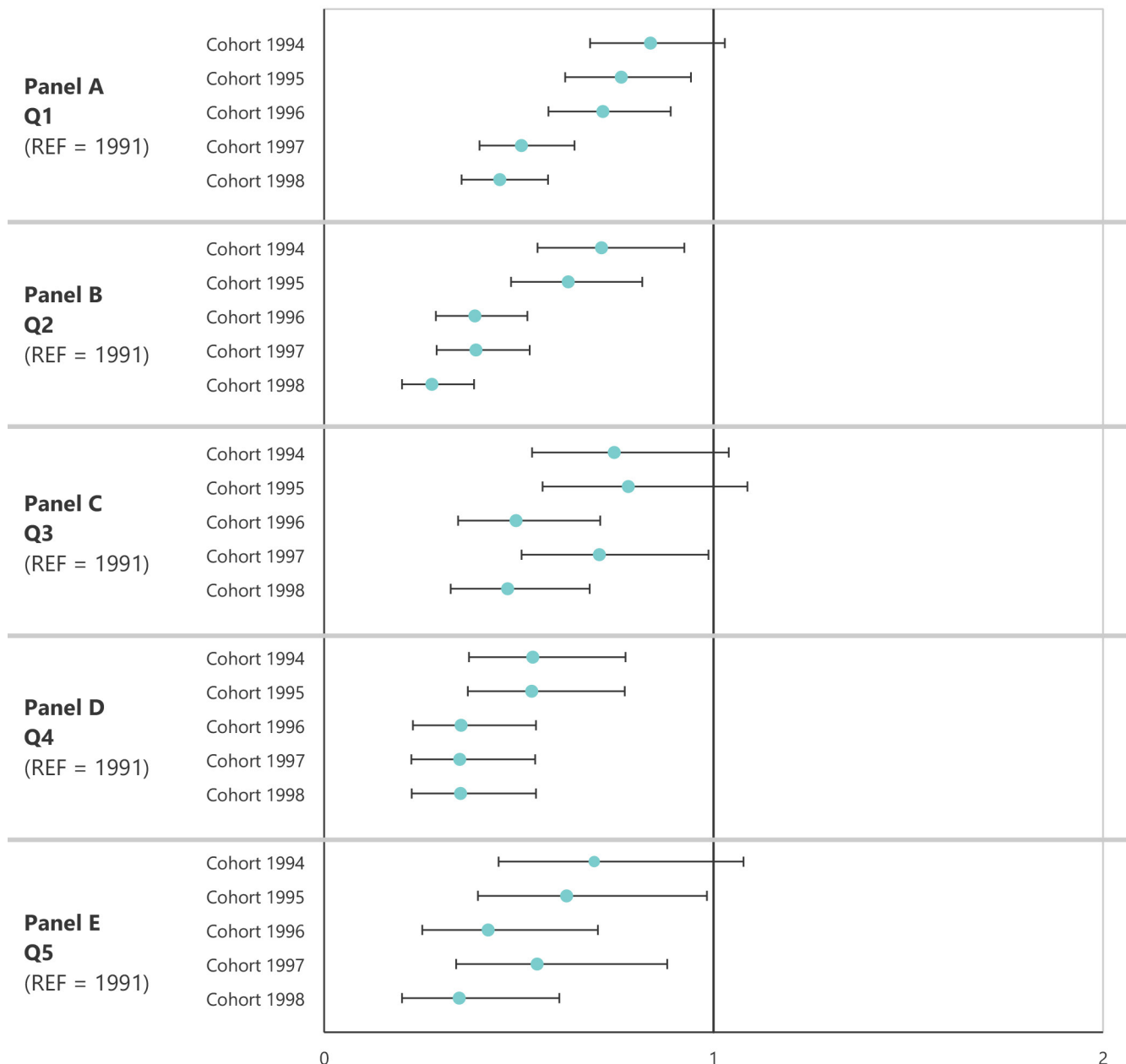


Figure 4.7 shows changes over time in the odds of being in Group 4, that is, of receiving services from CFS and subsequently being charged with a crime, by income quintile. The results for each income quintile (Q1 to Q5) are

presented in Panels A-E. Within each income quintile, the odds of being in Group 4 declined over time compared with the 1991 reference birth cohort.

Figure 4.7: Changes Over Time in the Odds of Receiving Services from CFS and Subsequently Being Charged with a Crime, by Income Quintile

Odds Ratio Estimates and 95% Confidence Intervals for Receiving Services from CFS and Being Charged with a Crime



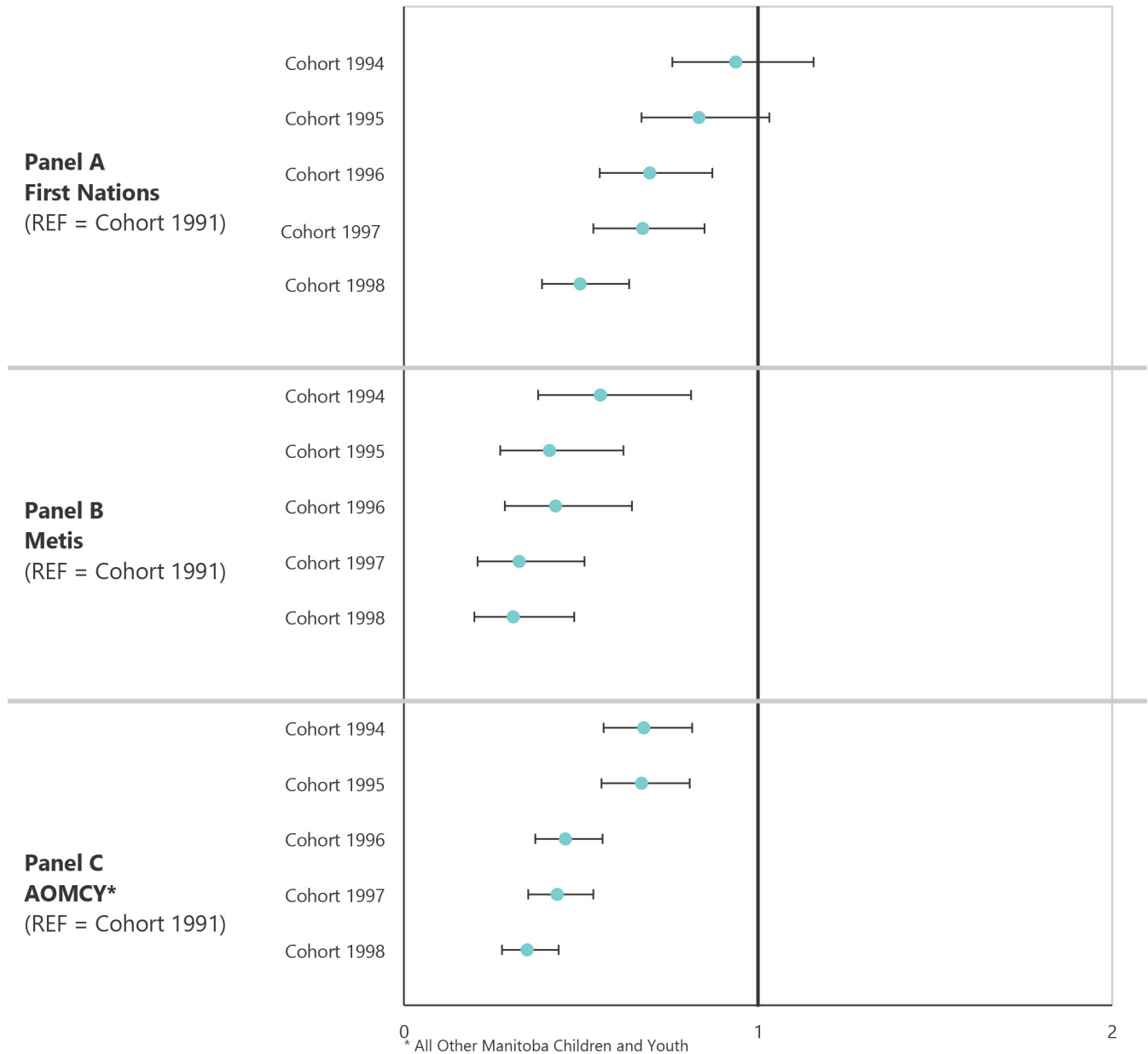
Note: REF means Reference Group

Figure 4.8 shows changes over time in the odds of being in Group 4, that is, of receiving services from CFS and subsequently being charged with a crime, by Indigenous identity. The results for each identity group (First Nation, Metis and all other Manitoba children and youth) are

presented in Panels A-C. For First Nation children, Metis children and all other Manitoba children and youth, the odds of being in Group 4 declined over time compared with the 1991 reference birth cohort.

Figure 4.8: Changes Over Time in the Odds of Receiving Services from CFS and Subsequently Being Charged with a Crime, by Indigenous Identity

Odds Ratio Estimates and 95% Confidence Intervals for Receiving Services from CFS and Being Charged with a Crime



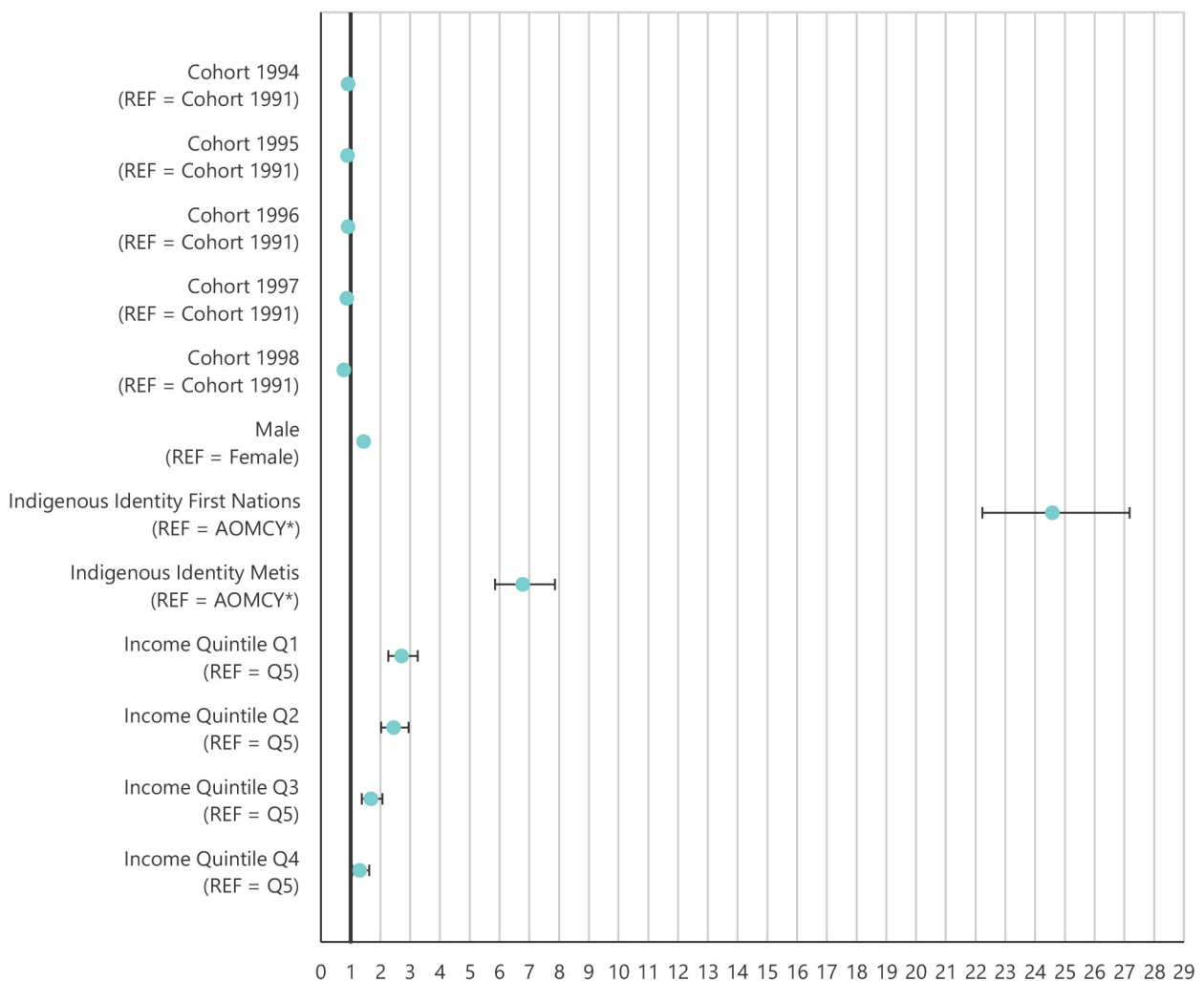
0 1 2
 * All Other Manitoba Children and Youth
 Note: REF means Reference Group
 Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare

Characteristics Associated with Ever Being in Care and Subsequently Being Charged with a Crime vs. No Involvement with CFS or the Youth Criminal Justice System (Group 5 vs Group 7)

Figure 4.9 shows the relationship between children’s characteristics and the odds of being in Group 5. Group 5 comprises youth who had ever been in care and were subsequently charged with a crime before age 18. Children

born in 1998 had lower odds of being in Group 5 compared with children born in 1991. There was not a statistically significant difference in odds for the other birth years. Males had higher odds of being in Group 5 compared with females. There was a strong economic gradient for this comparison – the lower the income quintile of the neighbourhood where the child lived, the higher the odds of them ending up in Group 5. Indigenous identity stood as a very strong predictor of children being taken into care and subsequently being charged with a crime. First Nation children had more than 24 times the odds of being in this group, and Metis children had nearly 7 times the odds, compared with all other Manitoba children.

Figure 4.9: Characteristics Associated with Being Taken into Care and Subsequently Being Charged with a Crime
Odds Ratio Estimates and 95% Confidence Intervals for Being Taken into Care and Being Charged with a Crime



* All Other Manitoba Children and Youth

Note: REF means Reference Group

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Figure 4.10 shows changes over time in the odds of being in Group 5, that is, of being taken into care and subsequently being charged with a crime, by sex. The results for males are presented in the upper panel (Panel

A), and the results for females are in the lower panel (Panel B). These changes over time in the odds were not significant, except for males born in 1998.

Figure 4.10: Characteristics Associated with Being Taken into care and Subsequently Being Charged with a Crime, by Sex
Odds Ratio Estimates and 95% Confidence Intervals for Being Taken into Care and Being Charged with a Crime

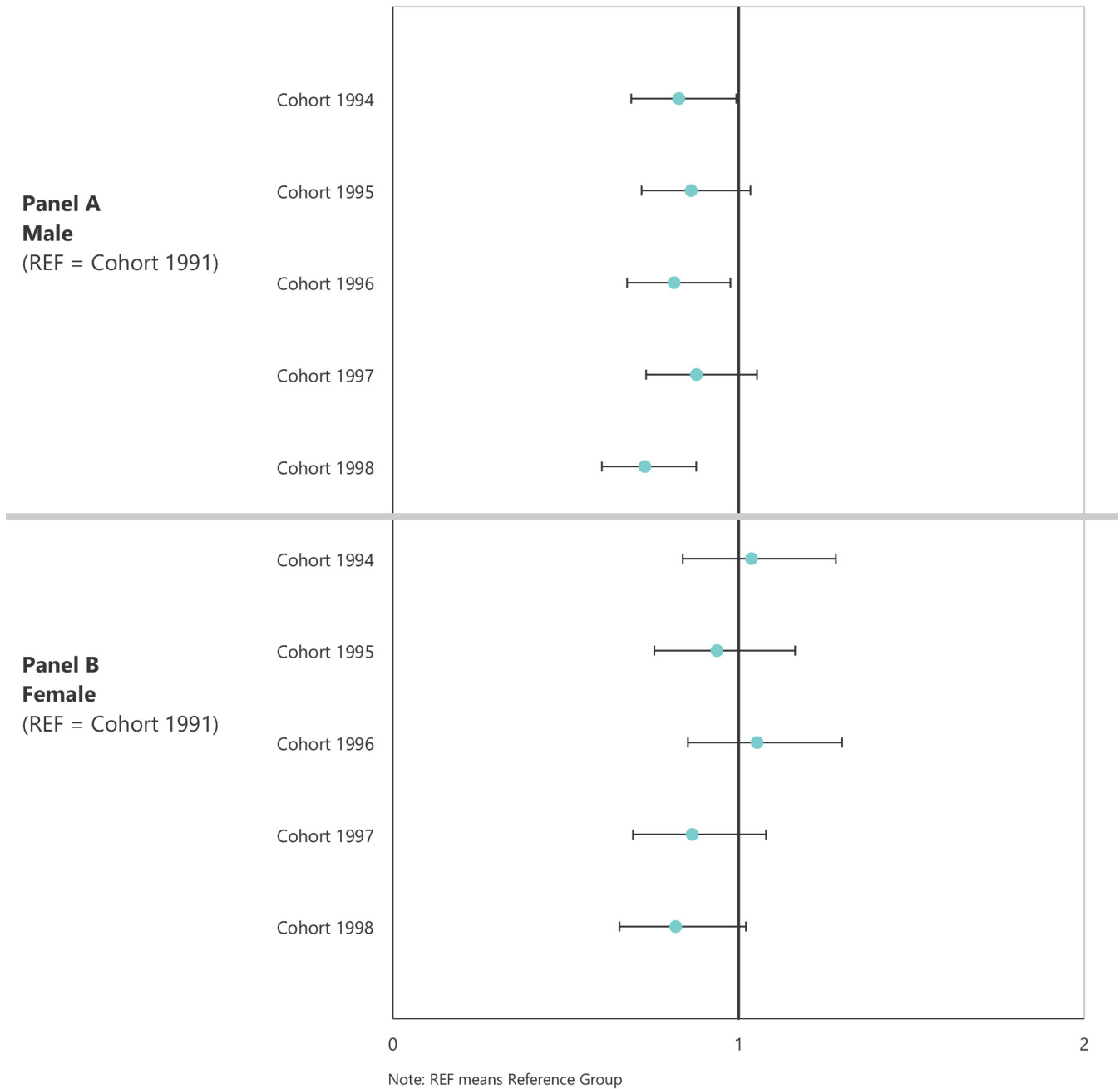


Figure 4.11 shows changes over time in the odds of being in Group 5, that is, of being taken into care and subsequently being charged with a crime, by income quintile. The results for each income quintile (Q1 to Q5) are presented in Panels

A-E. There were only minor changes over time in the odds of being taken into care and subsequently being charged with a crime in each income quintile.

Figure 4.11: Characteristics Associated with Being Taken into Care and Subsequently Being Charged with a Crime, by Income Quintile
Odds Ratio Estimates and 95% Confidence Intervals for Being Taken into Care and Being Charged with a Crime

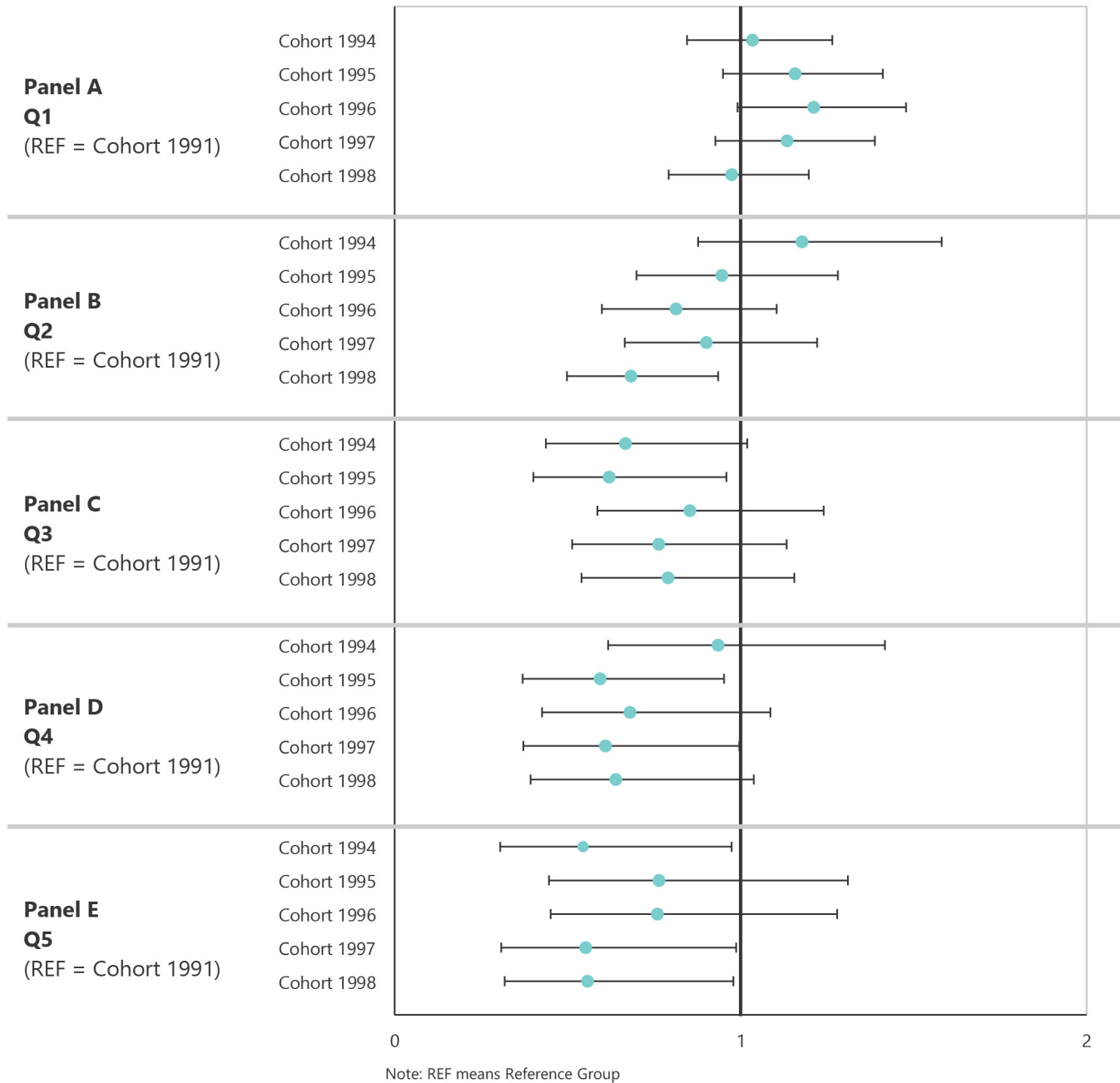
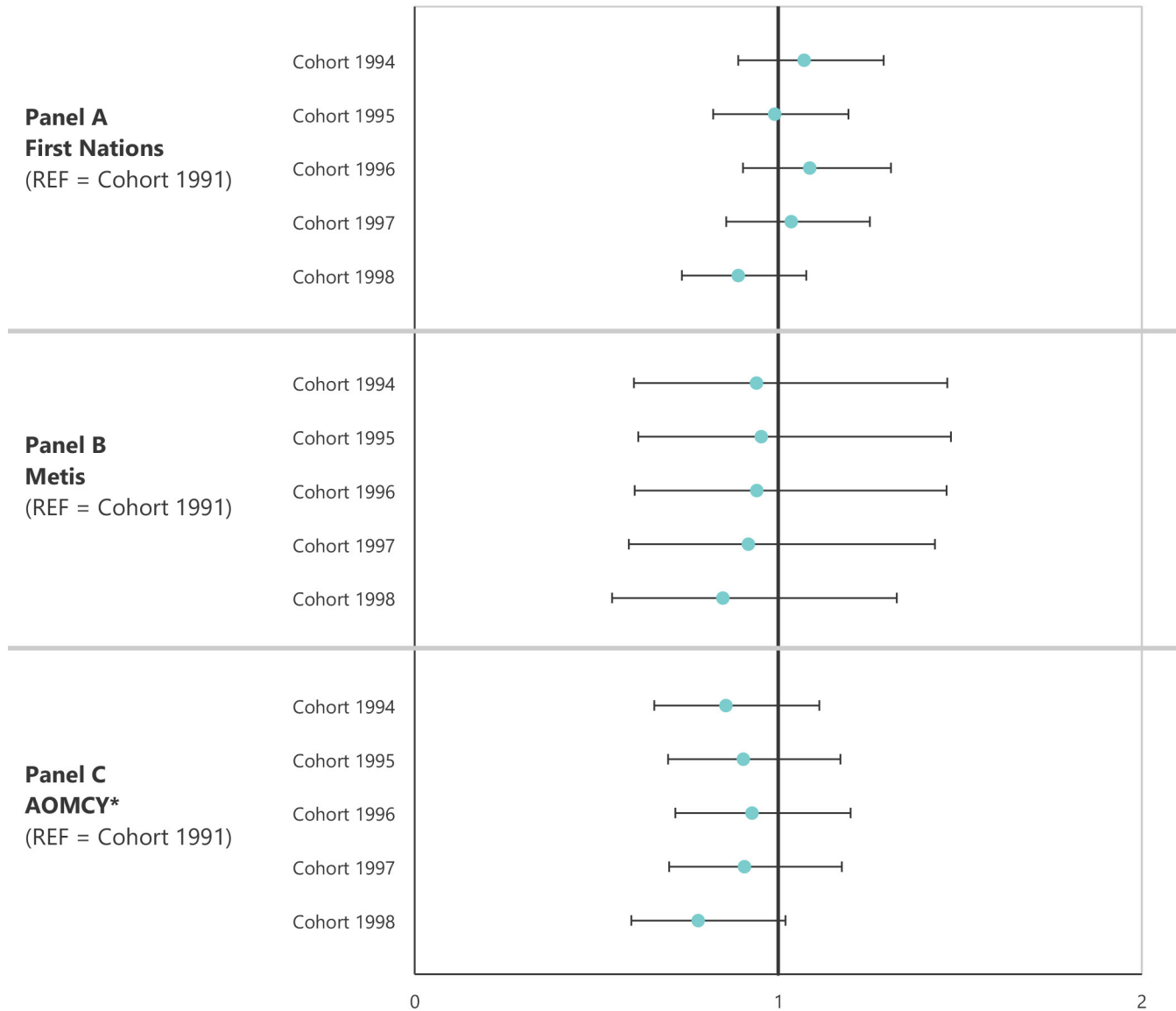


Figure 4.12 shows changes over time in the odds of being in Group 5, that is, of being taken into care and subsequently being charged with a crime, by Indigenous identity. The results for each identity group (First Nation, Metis and all

other Manitoba children and youth) are presented in Panels A-C. None of the odds of being in Group 5 changed over time in any of these Indigenous identity groups.

Figure 4.12: Characteristics Associated with Being Taken into Care and Subsequently Being Charged with a Crime, by Indigenous Identity

Odds Ratio Estimates and 95% Confidence Intervals for Being Taken into Care and Being Charged with a Crime



* All Other Manitoba Children and Youth

Note: REF means Reference Group

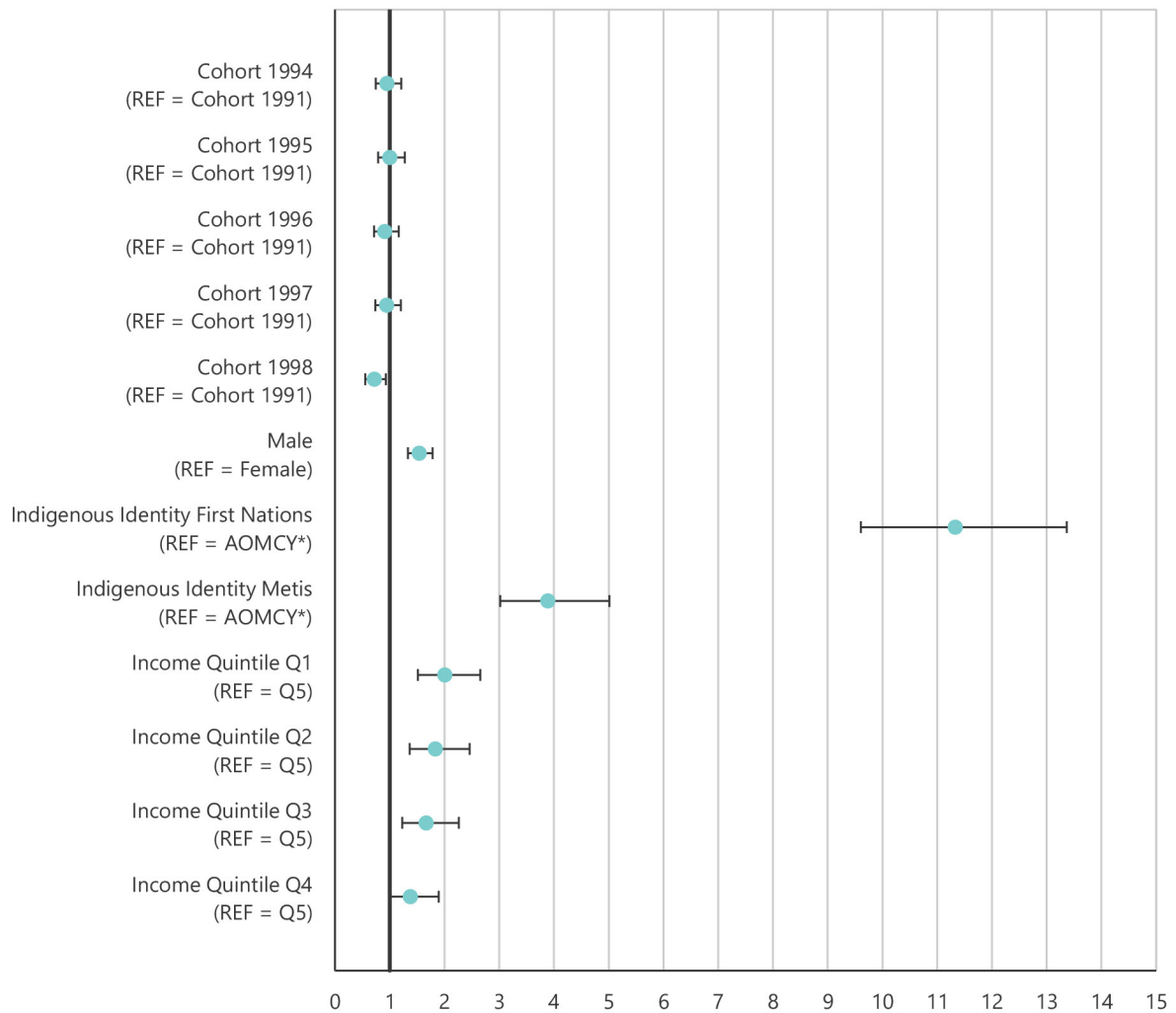
Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Characteristics Associated with Being Charged with a Crime and Subsequently Having Any Involvement with CFS vs. No Involvement with CFS or the Youth Criminal Justice System (Group 6 vs Group 7)

Figure 4.13 shows the relationship between children’s characteristics and the odds of being in Group 6. Group 6 comprises youth who were charged with a crime before age 18 and subsequently had some contact with CFS (either

received services or were taken into care). There was no relationship between birth year and the odds of being Group 6. Males had 1.5 times the odds of being in Group 6 compared with females. Children born to mothers living in low income neighbourhoods were more likely to end up in Group 6 compared with children born to mothers living in higher income neighbourhoods. Indigenous Identity was again the strongest predictor of being charged with a crime before age 18 and subsequently having contact with CFS – First Nation children had 11 times the odds of being in this group, and Metis children had nearly 4 times the odds, compared with all other Manitoba children.

Figure 4.13: Characteristics Associated with Being Charged with a Crime and Subsequently Having Contact with CFS
Odds Ratio Estimates and 95% Confidence Intervals for Being Charged with a Crime and Having CFS Contact



* All Other Manitoba Children and Youth

Note: REF means Reference Group

Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Figure 4.14 shows changes over time in the odds of being in Group 6, that is, of being charged with a crime before age 18 and subsequently having some contact with CFS, by sex. The results for males are presented in the upper

panel (Panel A), and the results for females are in the lower panel (Panel B). There were no statistically significant changes over time.

Figure 4.14: Changes Over Time in the Odds Being Charged with a Crime and Subsequently Having Contact with CFS, by Sex
Odds Ratio Estimates and 95% Confidence Intervals for Being Charged with a Crime and Having CFS Contact

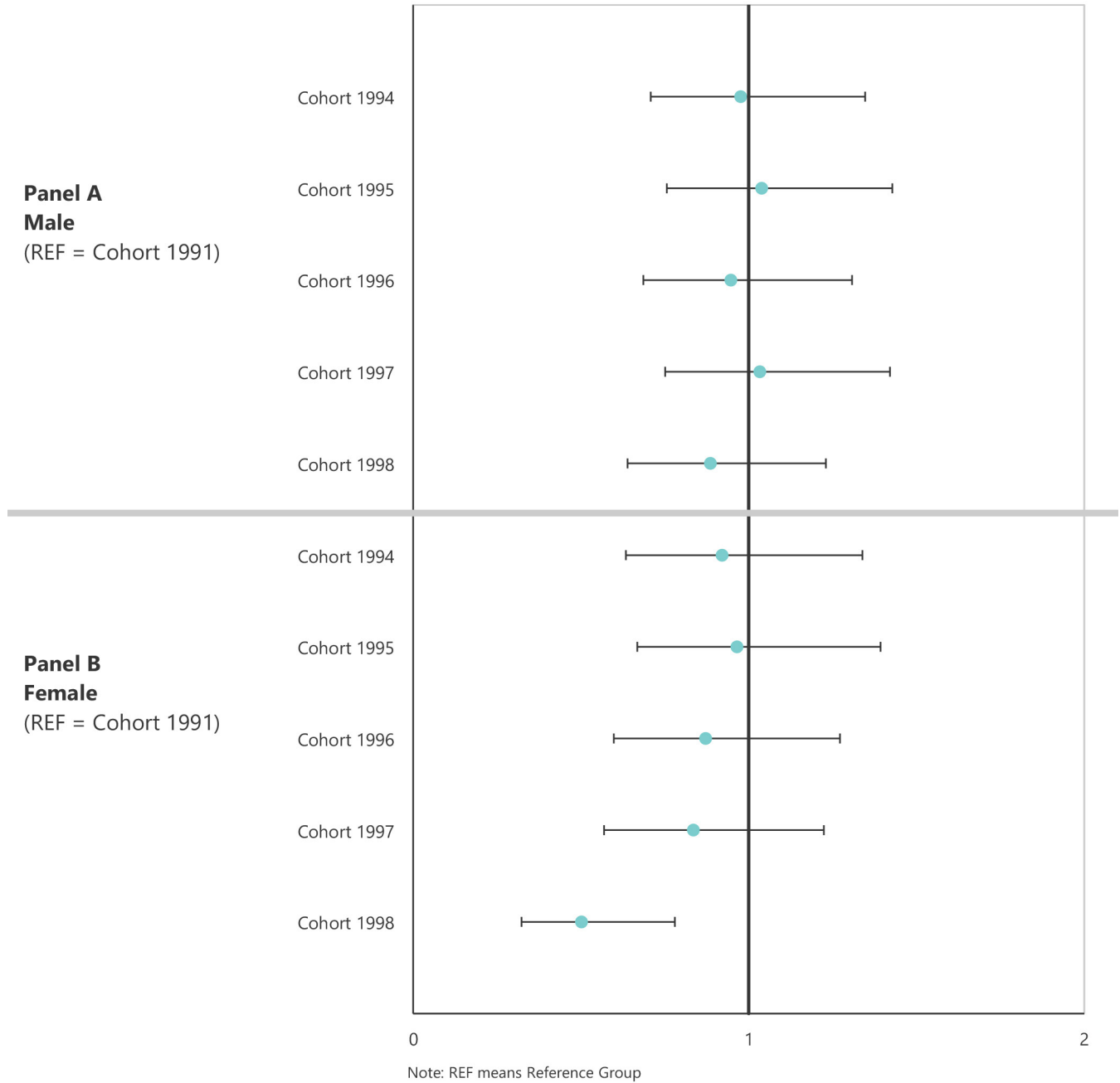


Figure 4.15 shows changes over time in the odds of being in Group 6, that is, of being charged with a crime before age 18 and subsequently having some contact with CFS, by

income quintile. The results for each income quintile (Q1 to Q5) are presented in Panels A-E. These odds did not change significantly over the course of the study.

Figure 4.15: Changes Over Time in the Odds Being Charged with a Crime and Subsequently Having Contact with CFS, by Income Quintile
Odds Ratio Estimates and 95% Confidence Intervals for Being Charged with a Crime and Having CFS Contact

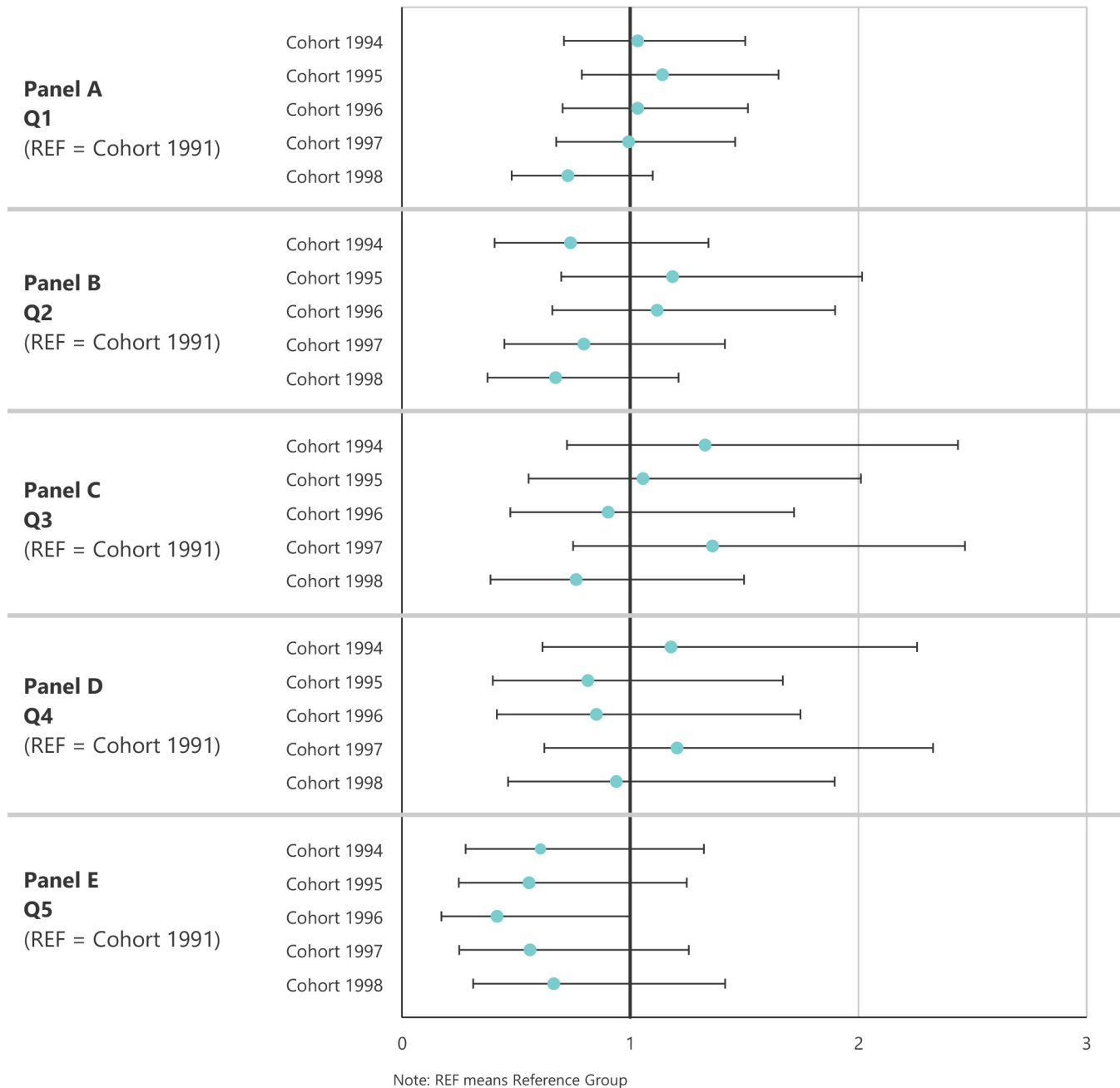
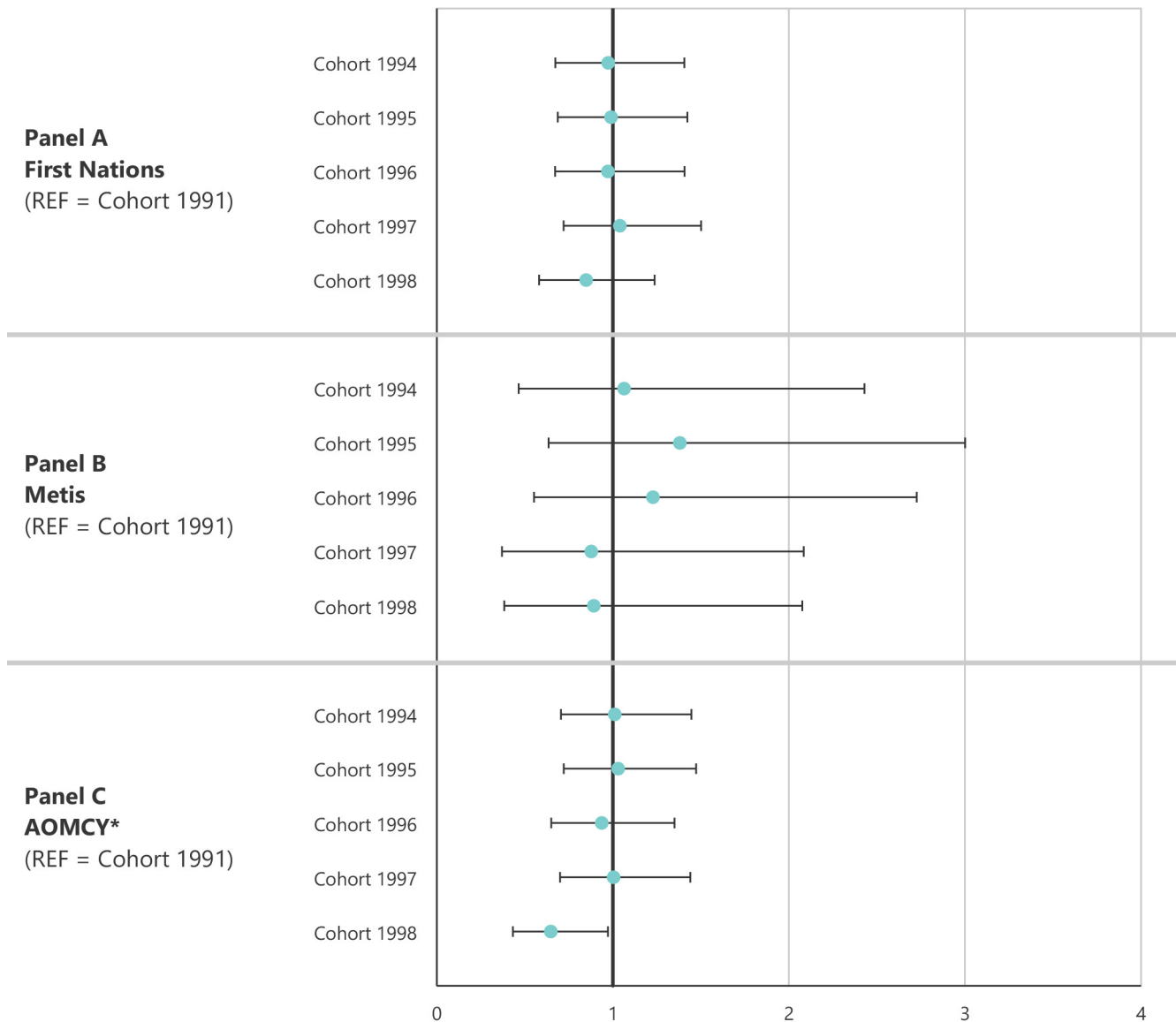


Figure 4.16 shows changes over time in the odds of being in Group 6, that is, of being charged with a crime before age 18 and subsequently having some contact with CFS, by Indigenous identity. The results for each identity group

(First Nation, Metis and all other Manitoba children and youth) are presented in Panels A-C. The odds of being in Group 6 did not change over time for these three Indigenous identity groups.

Figure 4.16: Changes Over Time in the Odds Being Charged with a Crime and Subsequently Having Contact with CFS, by Indigenous Identity

Odds Ratio Estimates and 95% Confidence Intervals for Being Charged with a Crime and Having CFS Contact



* All Other Manitoba Children and Youth
 Note: REF means Reference Group
 Note: Disaggregation of results by Indigenous identity is done to call to attention the impact of social forces such as colonialism, systemic racism, and structural violence on involvement in the child welfare system and youth justice system.

Chapter 5: Summary and Conclusions

The goal of this report was to provide quantitative evidence on the overlap between the child welfare system and the youth justice system. We followed a cohort of individuals born in 1994 through to young adulthood to identify factors that occurred in childhood and youth that are associated with involvement in both systems. We looked at additional cohorts (1988, 1991 and 1995-1998) to determine how involvement in both systems changed over time. Our key findings are highlighted below.

Key Findings

Changes Over Time in Child Welfare System and Youth Criminal Justice System Involvement

Overall, the statistics in this report are bleak, but there is some good news in our otherwise distressing findings. Over the course of our study period, the proportion of youth being accused of a crime declined. Between the cohorts born in 1988 and 1998, the percent of youth charged with a criminal offence dropped by almost half, from 10.5% to 5.8%. However, during the same time period there was an increase in the percent of children who had ever been in care of CFS (from 6.3% of the 1988 cohort to 8.7% of the 1998 cohort) and an overall decrease in the percent of children living in families who had received services from CFS (from a high of 19.4% for the 1991 cohort to 15.3% for the 1998 cohort).

The Overlap between the Child Welfare System and the Youth Criminal Justice System is Substantial

Indigenous leaders have been speaking out about the overlap between the child welfare and the youth justice systems for decades. The child welfare system has been described by other researchers as a “pipeline” to the youth criminal justice system, and our findings confirm that there is substantial overlap between the two systems, although as already stated, they do not establish a causal relationship. This report provides quantitative evidence that child welfare involvement (particularly being in care of CFS) is a strong risk factor for contact with the youth criminal justice system as a person accused of a crime:

- Based on our examination of the 1994 and more recent cohorts, **close to one-third** of all children who spent any time in care were charged with at least one criminal offense as a youth (age 12-17).
- Over time, children who had ever been in care made up an increasing proportion of youth charged with a crime, going from 28.0% in 1988 to 44.9% in 1998.
- By the time they were young adults (age 21), **close to half** of individuals who spent time in care as children had been charged with a criminal offence. In the 1994 cohort, 54.6% of males and 42.2% of females who had ever been in care had been charged with a crime by age 21.
- Looking at the overlap between child welfare and youth criminal justice another way, **the majority** of all children charged in the youth criminal justice system had some contact with CFS (were either in care or received services) at some point during their childhood (66.1% for the 1994 cohort and 72.6% for the 1998 cohort).
- When we counted the number of the charges (rather than the number of youth charged, given that some youths have more than one charge), over 80% of all charges were against youth who had some contact with CFS.
- Almost half of the charges against youth in care in the 1994 cohort were “administrative” charges, which are laid when youth have breached the conditions of probation, conditional supervision or bail. These include charges for things like staying out after curfew, associating with certain individuals, or consuming alcohol – the kinds of activities that would not normally be considered “criminal.”
- **Being in care of CFS had the strongest association with being charged with a crime** (e.g., stronger than sex, income, or urban/rural residence). Even when the impact of these factors was taken into consideration, children who had ever been in care

had almost five times the risk of being charged with a crime compared to those who had never been involved with CFS.

- Our findings quantify the overlap but do not identify the cause(s) of the overlap.

Characteristics of the Cross-Over Kids: Youth Involved in Both Systems

Youth who were involved in both the child welfare and youth criminal justice systems were more likely to have higher rates of special education needs, lower rates of high school completion, and higher rates of mental disorders and developmental disabilities. Youth involved in both systems were more likely to die by the time they were young adults than youth involved in just one of the two systems, and those youth in turn had higher mortality rates than youth involved in neither system. Other characteristics of youth involved in both systems were being male, being from a low income neighbourhood and being Indigenous.

Indigenous children in general, but First Nation children in particular, are over-represented in both systems. Close to one-third of all First Nation children in Manitoba spend some time in care during childhood; over one-quarter of the First Nation children in our 1994 cohort were charged with criminal offences as youth; over 50% of all youth from the 1994 cohort who were accused of a crime were First Nations (even though they accounted for only 14.8% of our cohort); and the over-representation of First Nation youth as people accused of a crime in the justice system has increased over time, going from comprising 40.6% of youth with criminal charges for the 1988 cohort to 53.8% of youth with criminal charges in the 1998 cohort. We also found that First Nation youth have 24 times the odds of being involved in both systems compared to the all other Manitoba children and youth group.

As discussed in the introductory chapter of this report, there are myriad reasons for the over-representation of Indigenous children in the child welfare and in the youth criminal justice systems, including historical and ongoing colonial policies (e.g., the residential school system, the Sixties Scoop, and current child welfare policies and practices) that systematically separate Indigenous children from their families, communities, languages and cultures [1–4]; systemic racism within both the child welfare system [5] and the youth criminal justice system [6,7]; chronic underfunding of prevention and support services to Indigenous communities [8]; and structural violence (systemic policies and structures that operate to deny basic human rights to specific populations and/or prevent specific populations from obtaining the resources necessary to achieve their full potential) [9,10]. **Thus, Indigenous identity itself is not a risk factor for involvement in either or both systems, rather, it is the many social and societal forces that Indigenous peoples in Manitoba must contend with that put their**

children at greater risk of child welfare system and youth criminal justice system involvement. The culture and laws of the First Peoples on this land viewed children as sacred and worthy of respect, protection and support since before Manitoba joined Confederation and long before Euro-Canadian standards evolved beyond considering children as chattels, without rights of their own [11].

Administrative Charges for Children Ever in Care

Our results show that administrative charges were the most common types of charges for children who had been in care, accounting for close to half of the charges against this group of children from the 1994 cohort. Administrative charges occur when youth have breached the conditions of probation, conditional supervision or bail. The kinds of things that result in these additional charges for youth in care tend to be the types of activities that would not normally be considered “criminal,” but fairly typical teenage behaviour – things like staying out after curfew and associating with certain individuals or consuming alcohol. These charges not only require substantial public resources, but can result in these children being sucked into a continual downwards spiral of youth criminal justice system involvement [12]. One recommendation from the BC Report was to examine policies and practices to ensure that youth in care are not charged for the kinds of incidents and behaviours that would not lead to a charge if these youth were living with their parents [12].

Implications of our Findings

“Statistics are human beings with the tears wiped off.”
- Unknown

Manitoba has the highest rate of children in care as well as the highest rate of youth incarceration amongst the provinces [13,14]. In a previous report we found that two-thirds of Manitoba children who had been in care had not completed high school [15]. Here we report that close to one-third of children who had been in care were charged with a crime before they were 18 years old, and we replicate in Manitoba a finding from BC, that **youth who were ever in care as children were more likely to end up charged with a crime than to complete high school** [12]. These stark statistics (and the tears behind them) suggest that for a significant portion of children in care, Manitoba is far from achieving “the best interests of the child” – as specified in both the Child and Family Services Act [16] and in the United Nations Convention on the Rights of the Child [17], to which Canada is a signatory and which is expressly mentioned within the Preamble of the Youth Criminal Justice Act [18].

It must also be acknowledged that despite these disturbing statistics and the disproportionate involvement of Manitoba Indigenous children in both the child welfare and the youth justice systems, there is still a greater proportion of First Nation and Metis youth and children in Manitoba who are resilient. The Metis Nation has family and community as its cornerstone, with love, respect, honour, strength and heritage as building blocks [19]. The majority of First Nation children and youth in Manitoba report being healthy, have a sense of balance in their lives, have someone who showed them love and affection, receive positive family support and retain connections to their language, culture and traditions [20–22]. These positive factors and “spiritual healing” are what many traditional Knowledge Keepers say are the keys to healing and well-being for Indigenous people.

While it is tempting to blame the child welfare system or the youth criminal justice system for the shocking findings in this report, holding either or both of these systems accountable would be an over-simplification of the very complex, multifaceted issues that lead to child welfare involvement, youth criminal justice involvement, and the over-representation of Indigenous youth in both systems. The findings from our study highlight the critical need for changes to both CFS and the youth criminal justice system. However, while necessary, these changes will not be sufficient to address the underlying societal and structural factors that Indigenous peoples in Manitoba face on a daily basis. There has been much written about the social determinants of health – factors like poverty, inadequate housing, and food and water insecurity. These are factors that make it more likely that people will develop mental and physical health problems [23]. These same factors also put families at risk for greater child welfare involvement [24] and put youth at greater risk for criminal justice system involvement [25]. Thus, addressing these social factors is an important step in addressing child welfare and youth criminal justice systems involvement.

We also need to look beyond the social determinants to the structural determinants [26,27] that contribute to these social determinants in the first place. The policies, legislation and systems that prevent equitable funding for education and social services systems, restrict access to traditional lands and economic opportunities, and deny self-governance actually ensure that Indigenous peoples are more likely to experience social determinants like poverty, inadequate housing, and food and water insecurity [26]. If Manitoba wants to reduce child welfare involvement (and subsequent youth criminal justice system involvement), then not only do the social determinants need to be addressed, but the structural determinants need to be changed so that Indigenous peoples are not systematically discriminated against and disenfranchised. Addressing these long-standing, complex and multifaceted social and structural determinants requires innovative, inter-sectoral approaches [27] and genuine collaboration with Indigenous partners.

Over the past few decades, many reports, inquiries, commissions and committees have made individual recommendations with respect to each of the child welfare system, the youth criminal justice system and the over-representation of Indigenous children in both systems. Our approach is not to repeat all the recommendations made by other reports, but to highlight themes that have emerged from them that pertain to the findings in this report and to describe some promising directions for addressing the bleak statistics highlighted in our report. We recognize that these directions are steps toward better outcomes, but cannot take the place of tackling the systemic racism that leads to the high rates of child welfare and youth criminal justice involvement in Manitoba.

Theme 1: Prevention, Prevention, Prevention

“An ounce of prevention is worth a pound of cure”
– Benjamin Franklin

The importance of trying to prevent child welfare involvement and youth criminal justice involvement from happening in the first place cannot be stressed enough. Governments have an obligation to protect children from harm [16,17]. As noted in the report from the Phoenix Sinclair Inquiry [28], prevention is the first step in protecting our children. The most critical step in reducing the number of children in the child welfare and youth criminal justice systems in Manitoba is to recognize and address the structural and social determinants (predictors) of involvement in both systems, which have been identified in numerous reports. Systemic racism and structural violence lead to poverty, inadequate housing, food and water insecurity, unemployment, and mental disorders and addictions. If we know these factors predict child welfare and youth criminal justice system involvement then we know these are the factors that must be addressed to prevent involvement in these systems.

The Importance of Supporting Children and Families

Families living with some or all of these challenges require support to provide safe and nurturing environments for their children. Given that over a third of children who are taken into care in Manitoba have their first episode of care before their first birthday [15], programs that focus on supporting new and expectant parents are crucial. There are several programs in Manitoba that show promise in this area:

1. *Families First Home Visiting Program (FFHV)*: FFHV offers intensive home visiting services to families with risk factors associated with child maltreatment. Trained para-professionals make regular visits during the first three years of a child’s life, focusing on

strengthening parent-child relationships, guiding healthy child development and connecting families with health and social services. This program has been shown to decrease the child-maltreatment related hospitalizations and the number of children taken into care [29], and to increase connections to other services [30,31]. Despite the benefits associated with FFHV, more than half of the families eligible do not participate [29]. Amongst Indigenous families this could be due to experiences of racism in other systems that reduce their willingness to participate, along with fears that participation may result in having their children taken away. It may also be the case that the program is not culturally sensitive. Barriers to participation for both non-Indigenous and Indigenous families should be explored.

2. *Strengthening Families Maternal Child Health (SF-MCH)*: The FFHV program described above is a provincial program and is not available in First Nation communities. SF-MCH is a home visiting program similar to FFHV but aimed specifically at families with infants and young children aged 0 to 6 years in First Nation communities. Like the FFHV program, SF-MCH builds parenting and family skills to improve family relationships and child development, and assists families with gaining access to other community supports and health services. It is currently available in only 22 of 63 First Nation communities in Manitoba, providing an example of the inequitable funding for prevention services available to First Nation families on-reserve [8].
3. *Southern First Nations Network of Care Birth Helper Project: Restoring the Sacred Bond*. The curriculum for this project was incubated through the Winnipeg Boldness Project, in partnership with Mount Carmel Clinic and guided by Knowledge Keepers. The Knowledge Keepers taught that there has been so much disruption in the lives of Indigenous people that many ways have to be reclaimed and relearned to give a sense of belonging and pride. This project is designed to provide traditional, culturally appropriate birth and parenting support services to young Indigenous mothers who may be at risk of having their infants apprehended. The birth helper’s support starts during pregnancy with a goal of building stronger foundations for families. The project has developed plans for evaluating both short-term outcomes (e.g., reducing number of children taken into care) and longer-term outcomes (e.g., better health outcomes for mothers and babies).

It should be noted that in our study, the children in families receiving in-home services from CFS were less likely to be charged with a crime compared with children in care. Whether these two groups of children are fundamentally different, or whether this finding implies that when children

with protection concerns remain with their families (i.e., families are kept together) they have better outcomes, could not be determined in this study. However, this question certainly warrants further examination.

Beyond the early years, there are other promising programs and services to support children and families. *Ma Mawi Wi Chi Itata Centre* is an Indigenous-led, community-based organization that uses culturally safe ways to support Indigenous families [32]. They offer a number of different programs and processes, including Family Group Conferencing, a holistic, strength-based approach to the care and protection of children that includes the entire family and community in decision-making. According to their website, the CLOUT program (short-term licensed homes and intensive support for birth families working toward unification) had a 79% reunification success rate in 2014/15, which resulted in more than \$1M in savings that year.

The *Morningstar Program* is a school-based program that offers wrap-around support to help improve school outcomes for high school students attending RB Russell Vocational High School in Winnipeg. It involves partnerships with multiple sectors to provide a range of resources and services to support students. The program operates with: i) a Skaabe (helper) who provides systems and community support, manages partnerships and coordinates interventions for students and their families, ii) a school psychologist, who provides mental health support as well as professional development for staff, and iii) a teacher-tutor who provides academic support in a dedicated tutoring centre. There are two levels of support for high school students based on their level of need. The first level is universal in that all students have access to the Skaabe, the tutoring centre, and resources at any time on a drop-in or short-term basis. The second level is targeted to students who are identified as having a higher level of need and requiring multiple, intensive resources and supports. By ensuring these students' basic needs (e.g., stable housing, regular lunch) and personal needs (e.g., setting up a bank account, providing access to public transportation) are met, along with mental health and addictions interventions when required, Morningstar makes it possible for students to attend and succeed at school [33].

First Nations Family Advocacy Services delivered through the First Nations Family Advocate Office (FNFAO) are aimed at working with families to challenge CFS and/or the judicial system regarding enforced decisions impacting children and families [34]. For children and families involved in CFS,

the advocates at FNFAO work to ensure that children are not placed in care due to medical, behavioural or mental health reasons; children and families receive the supports and services they require to address the challenges they are experiencing (e.g., trauma), including healing supports required for dealing with CFS involvement; and guidance, supports and services necessary for family reunification are provided.

The report from the Phoenix Sinclair Inquiry (*The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children*), in particular, made numerous specific recommendations focusing on addressing the social determinants of child welfare involvement and Indigenous over-representation. These recommendations, which came out of Phase 3 of the Inquiry, included affordable housing, poverty reduction, family supports, early childhood development programming, community-based services and family supports, and can be found at <http://www.phoenixsinclairinquiry.ca/>.

The Role of Schools

There is a lot of sense to a model like the Morningstar program that brings partners from multiple sectors together to provide supports for children who are experiencing difficulties – to prevent whatever problems they are experiencing from escalating. Situating wrap-around supports within schools means that these supports are available to all children, which is also important, because even though we know at a group-level the kinds of risk factors that predict youth criminal justice involvement, it is often impossible to predict at an individual level which children are going to need help. Teachers who work with children every day can also be a great resource for identifying children who may need additional supports; teachers already fulfill multiple roles and must themselves be adequately supported if they are to take on this additional role. Identifying children who are struggling with school or other issues in order to provide them with the supports they need should happen not only in high school, but should start as soon as children enter school. The *Kids, Crime and Care* report (2009) from BC recommended having someone within the school system (rather than from the child welfare system) responsible for overseeing all education-related issues and activities for all children in care [12]. Having such a resource available for all children in care in Manitoba could help prevent some of the issues faced by these children from escalating into disengaging with school, and/or becoming involved in criminal activities.

The Importance of Addressing Mental Health and Addictions

We found that over 60% of the children in the 1994 cohort who were ever in care were diagnosed with a

mental disorder sometime between childhood and young adulthood, compared to about 28% of those with no contact with CFS. Furthermore, 57% of our cohort who were charged with a crime as a youth had a mental disorder diagnosis, compared to 28% of those never charged as youth. These statistics highlight not only the pervasiveness of mental disorders but the higher risk for children involved in the child welfare and youth criminal justice systems. We reiterate the recommendations from Chartier et al. (2016) and the Manitoba Advocate for Children and Youth (2018a, 2018b, 2019) for increased mental health promotion and mental illness prevention and enhanced access to mental health services [35–39]. This includes programs and supports for individuals with FASD [4]. Particular efforts should be made to ensure children in care with mental disorders receive appropriate and evidence-based treatment, including trauma-informed treatment (see section on trauma-informed care under Theme 2). Many parents affected by Residential Schools and the Sixties Scoop who have had their children taken into care require addiction and mental health services in addition to health programs [4]. Improved access to mental health and addictions services for parents would help to prevent children from being taken into care [40].

Theme 2: Changes in Service Delivery

“The definition of insanity is doing the same thing over and over and expecting different results.”
– Albert Einstein

The Importance of Indigenous Jurisdiction over Indigenous Services

The right to self-determination of child and family welfare services for First Nation, Metis and Inuit peoples is a theme that has been unresolved over many years but is necessary for decolonizing the system. The recently passed federal Bill C-92 is intended to recognize the inherent jurisdiction of Indigenous peoples over the services provided to children and families along with prioritizing preventative care and keeping children connected to their families, communities and cultures. The bill has been criticized for not being clear or strong enough in recognizing the inherent jurisdiction of Indigenous peoples and for having no binding commitments on funding [41]. According to the Assembly of Manitoba Chiefs’ (AMC) Grand Chief Arlen Dumas (2019), AMC was disappointed that the bill passed without the federal government’s commitments to funding “First Nations to develop their laws and policies, engage in critical training and education, and develop or improve the infrastructure and supports” [42]. Self-determination of Indigenous peoples over their own systems and services is essential for tackling the structural determinants discussed above.

The Importance of Trauma-Informed Care in Child Welfare and Youth Justice

Trauma-informed care recognizes that traumatic experiences can dramatically shape a child’s long-term development and behaviour. Building on the science of adverse childhood experiences and toxic stress [43], trauma-informed care recognizes that experiences can alter brain development, which may contribute to behavioural challenges and mental disorders [44]. Intergenerational trauma and its impacts have been documented in Indian Residential School survivors and their descendants [45–47]. Multiple historical and ongoing colonial policies leading to violence against and oppression of Indigenous peoples further contribute to intergenerational trauma [48]. Trauma-informed care reframes the questions asked by service workers from “What’s wrong with you?” to “What’s happened to you?” [44], and in the justice system shifts the focus away from punishment towards healing [50]. One Wisconsin county found that mental health hospitalizations were markedly reduced after the introduction of trauma-informed care into the child welfare system, allowing the reallocation of \$250,000 from hospital care to prevention and intervention services [44]. Cultural safety training for all those working within the child welfare and youth criminal justice systems should also be provided.

Other Promising New Approaches in Child Welfare and Youth Criminal Justice

Nisichawayasihk Cree Nation (NCN) Family and Community Wellness Centre (in Nelson House, Manitoba) has developed a number of innovative approaches to child and family welfare that show promise in reducing the number of children taken into care. The programs focus on traditional teachings and cultural practices. The *Intervention and Removal of Parent Program* tries to reduce the trauma of child apprehension by removing parents from the home when there are child safety issues. Parents are provided with culturally appropriate treatment outside the home while the child remains in the home with other family or support staff. The *Circle of Care* brings families experiencing difficulties together with therapists and other community professionals to build on parent and child strengths in moving toward reunification. In the area of justice, the *NCN Community Youth Cree Court* uses holistic and traditional processes and teachings to help youth who commit minor crimes to make amends and restore community harmony. The Court acknowledges the social factors that contribute to destructive choices and aims to help children and youth avoid the child welfare and youth criminal justice systems, keeping them at home and leading them to a path of responsibility and citizenship [51].

Metis Child, Family and Community Services, in partnership with the Manitoba Metis Federation, developed the Metis Spirit Program in recognition that youth aging out of the CFS system require a more gradual transition to independence [52,53]. The program works with youth

transitioning out of CFS, offering support, coaching, and mentorship in the kinds of life skills that are necessary to live independently in the community. The Metis Justice Institute has developed culturally appropriate programs that support diversion from the criminal justice system to community based alternatives and include employment and education counselling, assessments by the Addictions Foundation of Manitoba, and programming in life skills, domestic violence, and anger management [54].

The Southern Chiefs Organization Inc. (SCO) promotes *Customary Care* and *Family Preservation*, as currently practiced at Weechi-it-te-win Family Services (Ontario) [55], as two approaches to child and family well-being. Customary Care describes an all-encompassing approach to caring for community members, rooted in traditional society. Child protection occurs through a natural, layered network existing for every child of family, extended family and the nation. Mainstream child welfare practices disrupt those natural layers of protection by removing children from their home, family, community. Methods of Customary Care range from providing help when needed to family members to having someone from the extended family stand in for parents in situations when they are absent or cannot provide the necessary care. SCO advocates for the same level of funding for Customary Care arrangements as for mainstream child welfare. Weechi-it-te-win also delivers a Family Preservation program for families experiencing parenting challenges. The program works intensely with families; each worker supports 4 families for a duration of 3 to 4 months.

The Prince Albert Hub model is a Community Safety model based on a similar program in Scotland. It was developed out of the recognition that conventional policing approaches were not effective at addressing crime and that there was a need to address broader social factors within the community before they became policing problems [56]. The Hub is a collaborative cross-sector of front-line professions who meet for 90 minutes two times a week to identify individuals at risk and develop a plan to connect them to the services they need, whether those services involve mental health, housing, or addictions services. After implementing the model, there was a 37% reduction in violent crime in Prince Albert. This model was adopted in Winnipeg and was the basis for the Thunderwing project as part of the Block by Block Community Safety and Wellbeing Initiative [57]. A Social Return on Investment analysis demonstrated that every dollar provided to Thunderwing yielded \$5.01 in social value, most notably in costs decreased for CFS, Winnipeg Police Service and Manitoba Justice [58].

Theme 3: Monitoring and Reporting

“What gets counted counts”

- Unknown

In order to address challenges, we need to understand the extent of them. This report provides information about crossover kids and the extent of the overlap between the child welfare system and the youth criminal justice system, as well as other important statistics around over-representation of Indigenous children in both systems. The first two Calls to Action from the Truth and Reconciliation Commission are about monitoring and reporting on child welfare involvement, including disaggregating the numbers by Indigenous identity (TRC 1(i), 2) [59]. A recent report from the Ontario Human Rights Commission also calls for race-based data on child welfare [60]. Yet starting in 2016/17, Manitoba Families stopped reporting numbers of children in care by Indigenous identity in its annual reports.¹⁸ Removing this disaggregation from the annual reports makes it more difficult to monitor the over-representation of Indigenous children in the child welfare system.

The TRC also calls for monitoring and reporting on the over-representation of Indigenous youth as accused and victims in the justice system, specifically Calls 30, 38 and 39 [59]. It will be important to continue to report on how First Nation and Metis youth are over-represented as perpetrators and victims in the youth criminal justice system to determine whether policy and program changes are having a positive impact on decreasing (and ultimately eliminating) over-representation. Now that all three of the provincial justice datasets are available for research at MCHP, it will also be important to monitor sentencing and corrections with respect to Indigenous over-representation and to identify potentially racist practices embedded in the sentencing process.

Child welfare and youth criminal justice are both costly systems. There are obvious human rights concerns with Manitoba having the highest rates among the provinces of children in care and youth incarcerated, but there is also a strong economic argument for reducing child involvement in both these systems. It was beyond the scope of the current report to conduct an economic evaluation of the multi-sector financial costs of involvement in both these systems, and the savings in preventing involvement, but such an evaluation is needed.

¹⁸ The 2015/16 Annual Report from Manitoba Families was the last report that disaggregated the number of children in care by Indigenous identity; subsequent reports only provide numbers of children in care by agency (which does not necessarily indicate Indigenous identity)

One of the ways “savings” are communicated in the area of health inequalities is to determine what the rate of a particular outcome would be if there were no inequalities. For example, to determine the “excess” deaths of infants that are due to income-related inequalities in Canada, the infant mortality rate for the highest income quintile group is applied to the lowest income quintile group and the difference between them is calculated [61] a critical step in facilitating action to advance health equity. It is a product of the Pan-Canadian Health Inequalities Reporting (HIR). Using similar methods, we calculated the “excess” children in care due to inequalities resulting from racism, colonialism and structural violence. On March 31, 2016 there were 10,501 children in care in Manitoba; 87.7% of these children were Indigenous (First Nation, Metis, or Inuit). Although there is no “right” number of children who should be in care, even with adequate incomes, housing, food security and well-funded prevention programs, there will likely always be a need for child protection services for some children, and some children will need to be removed from their homes to protect their safety [62,63]. If we assume that the number of non-Indigenous children in care on March 31, 2016 represents the proportion of the child population who *need* to be removed from their homes and placed in care, then a 95.3% reduction of Indigenous children in care is required to eliminate the over-representation of Indigenous children in care. Put another way, 95.3% of the Indigenous children in care represent the “excess” children in care due to racism, colonialism and structural violence.

The programs and strategies described above are important approaches for serving families. Not only is it important to monitor and report on the overlap between the child welfare and youth justice systems, it is important to assess and report on the *effectiveness* of these programs and strategies. In order to be effective, programs and policies need to be supported and expanded with committed, sustained funding. However, they are also simply first steps towards a decolonizing restructuring of society. Along with programs and changes in service delivery, we need to change how structures, policies and systems are set up to disadvantage Indigenous peoples in Manitoba. In the spirit of reconciliation, it is our collective responsibility to ensure that all children have the right to “grow up in a family environment, in an atmosphere of happiness, love and understanding... so that [they] can fully assume [their] responsibilities within the community” [17].

Youth Voices

In closing, we will share some learnings from a Youth Advisory Group assembled in August 2019 by the First Nations Family Advocate Office (FNFAO) to provide feedback on the findings of this report. Those who attended were all young adults with experience in the child welfare system, the youth criminal justice system or both. We are extremely grateful for the time this group spent with us and for the input they provided. We are also indebted to

the FNFAO for the original idea of obtaining feedback from young adults with lived experiences in the child welfare and youth justice systems and for organizing and hosting this meeting. It is fitting that this report end with the voices of these young adults:

- *My grandfather's grandfather always said that there was no need for CFS or police, etc. We would take care of kids in the community when things got tough. There is no need to apprehend our kids.*
- *When someone who has had previous involvement with CFS becomes pregnant, there are birth alerts. It definitely seems like they are setting people up to fail. It's like they're saying – ok, you have certain flaws through going into foster care and now they are going to repeat the cycle. It's like CFS is acknowledging that it's a bad parent by being a bad parent to more kids.*
- *There is a lot of money for foster parents but no money for the actual parents.*
- *A person from the community was stealing diapers and baby supplies. She was caught. Her baby was apprehended and sent to Winnipeg. She had to couch surf just to see her baby.*
- *Youth councils are important. Back home at the reserve the youth council goes around and asks everyone what we should develop in our community. And we do things, like create a traditional gathering place, the youth council did that.*
- *We need Aboriginal people in higher positions to stop the racism.*
- *Governments need to be more aware of preventions rather than just punishments.*

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