

when TEENS HURT TEENS

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

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

IMPLICATIONS FOR CHILD WITNESS SUPPORT PROGRAMS

Victims and witnesses of peer-on-peer violence can present complex and complicated issues for their supporters. They may appear more mature and informed than they are. Many will be reluctant to reveal feelings of vulnerability and may have difficulty expressing their fears or concerns about testifying. Some are embarrassed to label themselves as "victims" and others will have a history of victimization they may not disclose. They are best served by identification of individual needs early in their involvement with the justice system.

Observations About Offenders

- many adolescents charged with offences against other youth have themselves previously been victims or witnesses of crime
- many youth charged under the YCJA will be considered for extra-judicial sanctions including restorative "conferencing" where victims may be asked to participate
- where there is no domestic violence treatment program for adolescents, youth offenders of intimate partner/domestic violence will not have an "early intervention" treatment option equivalent to that for adults

Observations About Victims & Witnesses

- violent crime can affect the emotional and psychological health of adolescent victims and negatively impact social interactions and academic achievement
- participating in the justice system is a prolonged and stressful time for young

victims and witnesses and can affect their day-to-day functioning: some perceive their lives as being "on hold" until the court outcome

- characteristics of the offence alone are not usually the best indicator of degree of trauma experienced by young victims
- most victims and offenders are acquainted with one another; their continued contact in school or neighbourhood can be intimidating and distressing
- facing the accused and testifying in an open courtroom are stressful situations for most victims: testimonial aids can alleviate much of this anxiety
- court-related worries expressed by witnesses in peer assault cases tend to focus on ability to testify well and concern about cross-examination
- contact with the offender as part of a restorative "conference" can be highly stressful for some young victims of interpersonal peer violence
- victims may be unaware that their statements (written or video-recorded) are routinely provided to defence counsel

...helping
the victims
of 'youth
on youth'
criminal
violence

The Needs of Young Victims and Witnesses

Relative to their adult counterparts, adolescent victims and witnesses require enhanced support and specialized court preparation. Their vulnerabilities may go unrecognized because of their grown-up physical appearance or their life experiences. Although striving for independence and autonomy, they are still dependent on parents or caregivers for many of their needs. Learning disabilities or emotional problems can make participation in the justice system a daunting task. Many victims and offenders are acquainted and contact may continue in school or the neighbourhood. Direct or indirect intimidation by the accused or his or her associates can cause much distress and may result in the victim missing school or even changing school.

Contact and Information

Timely personal contact, offering of court preparation and support, as

well as the provision of information regarding court dates, delays or adjournments, help reduce a young person's anxiety about his or her role in the prosecution.

Identification of Special Needs

A meeting, early in the process, can identify any special needs or vulnerabilities. Appropriate arrangements for testimonial aids or other necessary accommodations can then be made in a timely way to avoid unnecessary delays.

Specialized Court Preparation

Programs providing developmentally appropriate court preparation services benefit young witnesses. Preparation may involve several sessions and address individual needs. Courtroom orientation, support and

accompaniment on the day of court help alleviate stress and anxiety. A debriefing session is helpful for many young people after the verdict.

Testimonial Aids and Special Accommodations

Teenaged victims and witnesses of peer violence may have significant fears about testifying in the presence of the accused youth. Some may also be distressed about the prospect of testifying in an open courtroom. Fear and anxiety can interfere with the quality and the effectiveness of evidence. Research has demonstrated that stress is reduced by the use of testimonial aids. Recent legislative changes create the presumption that all court witnesses under age 18 may testify via closed-circuit television or using a screen and have a support person beside them.

Recommendations

The following suggestions are offered for consideration

- when the referral is first received, personal contact with adolescent victims or witnesses and their families is appreciated
- timely advisement to the prosecutor about special needs and recommendations for testimonial aids helps avoid delays

- courtroom orientation and the opportunity to review his or her statement, before the court date, reduces anticipatory anxiety
- a secure waiting area in the courthouse reduces the risk of unwanted contact with the offender
- a young victim's involvement in extra-judicial sanctions involving victim/offender contact should be sought, where ever possible, by a neu-

tral person with experience in victim services who can determine if involvement is in the victim's best interests

- where there is extra-judicial sanctions involving victim/offender contact, the victim may require an identified support person
- when there is a finding of guilt or guilty plea, victims may need information and assistance in completing a victim impact statement

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